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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention
of Discrimination and
Protection of Minorities

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS THIRTY-SEVENTH SESSION

Geneva, 6-31 August 1984

Rapporteur: Mr. Leandro Despouy

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I. ISSUES REFERRED TO THE COMMISSION ON HUMAN RIGHTS FOR ACTION OR CONSIDERATION */

A. Draft resolutions recommended by the Sub-Commission to the Commission on Human Rights for adoption

I. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa 1/

The Commission on Human Rights,

Recalling its resolution 1984/6,

Mindful of resolution 1984/4 of the Sub-Commission,

1. Expresses its satisfaction to the Special Rapporteur, Mr. Ahmed Khalifa, for his updated report; 2/

2. Calls upon all Governments to disseminate the updated report, and give its contents the widest possible publicity;

3. Requests the Secretary-General to give the Special Rapporteur all the assistance, including adequate travel funds, that he may require in the exercise of his mandate, with a view in particular to establish direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid of the Secretariat, and to expand his work on the annotation of certain selected cases as reflected in his present list and to continue the computerization of future updated lists;

4. Invites the Secretary-General to give the updated report of the Special Rapporteur the widest distribution and publicity and to issue it as a United Nations publication.

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*/ At its thirty-seventh session, in resolution 17 (XXXVII) of 10 March 1981, the Commission on Human Rights requested the Sub-Commission, in drawing up its annual report to the Commission, to present and indicate clearly in an introductory chapter all matters requiring the approval of the Commission; such matters include all resolutions and decisions of the Sub-Commission other than those bearing on internal procedural questions or those which follow up previously approved or specifically mandated courses of action.

The present chapter has been prepared in accordance with that resolution. Draft resolutions recommended to the Commission for adoption are contained in section A. Resolutions referring to matters which require action or consideration by the Commission are indicated in section B.

1/ See chap. XVIII, sect. A, resolution 1984/4, and chap. V.

2/ E/CN.4/Sub.2/1984/8 and Add.1-2.

II. The administration of justice and the human rights of detainees: Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty [3]

The Commission on Human Rights,

Recalling its resolution 1984/19 of 6 March 1984 in which it invited the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and to submit its views thereon to the Commission at its forty-first session,

Having examined the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the work of its thirty-seventh session,

Recommends to the Economic and Social Council the adoption of the following resolution:

The Economic and Social Council,

Noting resolution 1984/7 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 1985/.. of the Commission on Human Rights concerning the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

1. Authorizes the Sub-Commission to entrust Mr. M. Bossuyt with preparing an analysis concerning the proposition to elaborate a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

2. Requests the Special Rapporteur to take into account the documents considered and the views expressed in the General Assembly, the Commission on Human Rights and the Sub-Commission in favour or against the idea of elaborating such a protocol;

3. Invites the Rapporteur to present on the basis of his analysis recommendations for further consideration by the Sub-Commission at its thirty-ninth session;

4. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance for the completion of his task.

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[3] See chap. XVIII, sect. A, resolution 1984/7, and chap. VIII.

III. Human rights and scientific and technological developments: Prevention and suppression of unlawful human experimentation [4]

The Commission on Human Rights,

Recalling its resolution 1984/27 of 12 March 1984 on human rights and scientific and technological developments,

Noting that consideration of the human rights implications of scientific and technological developments has been a priority concern of the United Nations since the International Conference on Human Rights, [5]

Mindful of advances which have recently been made in the area of human experimentation,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

1. Authorizes the Sub-Commission to entrust Mr. Driss Dahak with preparation of a study on the current dimensions and problems arising from unlawful human experimentation;

2. Requests the Secretary-General to give the Special Rapporteur all the assistance he may require in his work;

3. Requests the Special Rapporteur to submit a preliminary study to the Sub-Commission at its thirty-eighth session.

IV. Human rights and scientific and technological developments [6]

The Commission on Human Rights,

Recalling its resolution 1984/27 on human rights and scientific and technological developments,

Noting that consideration of the human rights implications of scientific and technological developments has been a priority concern of the United Nations since the International Conference on Human Rights, [7]

Mindful of advances which have recently been made in the area of computer and micro-computer technology,

Recommends the following draft resolution to the Economic and Social Council for adoption:

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[4] See chap. XVIII, sect. A, resolution 1984/17, and chap. IX.

[5] Teheran, 22 April to 13 May 1968.

[6] See chap. XVIII, sect. A, resolution 1984/18 and chap. IX.

[7] Teheran, 22 April to 13 May 1968.

The Economic and Social Council,

Recommends to the Commission on Human Rights that it authorize the Sub-Commission to undertake a study in the future, on the implications for human rights of recent advances in computer and micro-computer technology, and to designate a special rapporteur to undertake this study. The study should pay particular attention to the potential uses of computer and micro-computer technology for increased dissemination of the texts of international instruments on human rights and for the further dissemination of information on human rights, including information produced by the United Nations in this field.

V. The administration of justice and the human rights of detainees 8/

The Commission on Human Rights,

Recalling its decision 1984/104 of 6 March 1984, in which it decided to examine the report on situations known as states of siege or emergency, to be submitted by the Sub-Commission to the Commission at the Commission's forty-first session as a matter of high priority, with a view to deciding what further action should be taken on the question of states of siege or emergency,

Having examined the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the work of its thirty-seventh session,

Mindful of resolution 1984/27 of the Sub-Commission,

1. *Recommends* to the Economic and Social Council the adoption of the following resolution:

The Economic and Social Council,

1. *Authorizes* the Sub-Commission to appoint a special rapporteur to carry out the work referred to in paragraph 1 of Sub-Commission resolution 1983/30 and resolution 1983/18 and decision 1984/104 of the Commission on Human Rights, on an annual basis;

2. *Requests* the Secretary-General to give the special rapporteur all the assistance he may require in his work;

3. *Requests* the special rapporteur to submit his first annual report to the Sub-Commission at its thrity-ninth session.

VI. Slavery and slavery-like practices: Mission to Mauritania 9/

The Commission on Human Rights,

Recalling Economic and Social Council decision 1982/129 of 7 May 1982,

Further recalling its resolution 1982/20 of 10 March 1982,

Mindful of Sub-Commission resolution 16 (XXXIV) of 10 September 1981,

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8/ See chap. XVIII, sect. A, resolution 1984/27 and chap. VIII.

9/ See chap. XVIII, sect. A, resolution 1984/28 and chap. XII.

Taking note of the report 10/ of the mission to Mauritania presented by Mr. Marc Bossuyt, expert of the Sub-Commission,

1. Expresses its deep appreciation to the Government of the Islamic Republic of Mauritania for inviting a mission of the Sub-Commission to visit Mauritania, and for the facilities placed at the mission's disposal during its stay in Mauritania, enabling it to meet freely with a great variety of persons and for its exemplary co-operation with the United Nations in this matter;

2. Expresses also its high appreciation to the expert for his excellent and valuable report;

3. Decides to transmit the expert's report to the Government of the Islamic Republic of Mauritania inviting it to inform the Sub-Commission of any action which it feels able to take thereon;

4. Decides further to transmit the report to United Nations Development Programme donor States, and to the United Nations Development Programme, the United Nations Children's Fund and the United Nations Fund for Population Activities, the United Nations Habitat and Human Settlements Foundation, the United Nations Scientific, Educational and Cultural Organization, the World Health Organization, the Food and Agricultural Organization of the United Nations, the International Fund for Agricultural Development, and the International Labour Organisation and the International Bank for Reconstruction and Development, and to regional and subregional organizations concerned and invite them to consider, in the light of the expert's report, what assistance they could give to Mauritania for the purpose of contributing to the eradication of the consequences of slavery, in accordance with the aims and objectives of the Mauritanian national plan of social and economic development;

5. Requests the expert of the Sub-Commission to prepare a follow-up report on the basis of the replies received and taking into account the views expressed by the Sub-Commission at its thirty-seventh session and by the Commission at its forty-first session on the matter in particular with respect to assistance which could be provided to Mauritania and to submit to the Sub-Commission an interim report at its thirty-eighth session; and a final report at its thirty-ninth session;

6. Requests the Secretary-General to provide the expert with all necessary assistance he may require in preparing his follow-up report.

VII. Slavery and slavery-like practices 11/

The Commission on Human Rights,

Recalling the provisions of the Slavery Convention, 12/ the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 13/ and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 14/

10/ E/CN.4/Sub.2/1984/23.

11/ See chap. XVIII, sect. A, resolution 1984/33 and chap. XII.

12/ League of Nations, Treaty Series, vol. LX, No. 1414, p. 253.

13/ United Nations, Treaty Series, vol. 266, No. 3822, p. 40.

14/ Ibid., vol. 96, No. 1342, p. 271.

Having considered resolution 1984/33 of the Sub-Commission and the relevant parts of the report of the Sub-Commission on the work of its thirty-seventh session, in particular those concerning the conclusions and recommendations of its Working Group on Slavery,

Gravely concerned at the persistence and, in some cases, the recrudescence of various slavery-like practices today, in shocking disregard of accepted international standards on human rights,

Considering, in the light of the work of the Sub-Commission and its Working Group on Slavery, that several issues, such as the ill-treatment and exploitation of women and children, debt bondage and the ill-treatment of domestic servants in various situations have not until very recently received sufficient attention,

1. Invites those eligible States which have not signed or ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others to do so as soon as possible, or to explain why they feel unable to do so; and invites the Secretary-General of the United Nations to communicate with Governments and pursue the matter in an appropriate manner, urging early ratification;

2. Requests the Secretary-General to invite States parties to the Slavery Convention, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others to report regularly upon their compliance with the provisions of the Conventions;

3. Invites all States, as well as relevant organs and agencies of the United Nations system, competent intergovernmental organizations including the International Criminal Police Organization and non-governmental organizations concerned to continue to supply relevant information to the Working Group on Slavery;

4. Requests the Secretary-General to transmit to the Governments concerned for information and such observations as they may wish to make, and to the United Nations bodies and specialized agencies mentioned by the Working Group on Slavery in its recommendations, the statements containing specific allegations of slavery-like practices submitted to the Working Group on Slavery at its tenth session by non-governmental organizations together with the relevant parts of the Working Group's report;

5. Requests the Sub-Commission to consider undertaking, at the appropriate time, a study concerning alleged slavery-like practices against women and children, as mentioned in the report of the Working Group on Slavery, indicating ways and means by which women and children subjected to such practices could best be assisted and rehabilitated, for subsequent consideration by the Commission on Human Rights, and also the study on debt bondage, as recommended on previous occasions by the Sub-Commission;

6. Recommends that the struggle against procuring be intensified at the national level and, further, that international measures be adopted with the twofold purpose of dismantling the networks which feed prostitution and repatriating the victims of these networks, as well as extending assistance to them;

7. Recommends that all States concerned should adopt and implement such social and legal measures as are necessary to ensure the orderly and effective reinsertion into society of the victims of prostitution;

8. Recommends that the mass media, including those of the United Nations system, be more widely used to publicize the evils of slavery and slavery-like practices and to make people more aware of their rights and responsibilities in the struggle against such practices;

9. Recommends that Governments be encouraged to avail themselves of the possibility of requesting assistance under the Programme of Advisory Services in the Field of Human Rights and other programmes as appropriate for the elimination of slavery, slavery-like practices, and their sequels;

10. Requests the United Nations Children's Fund, the International Labour Organisation, the Food and Agriculture Organization of the United Nations and the United Nations Educational, Scientific and Cultural Organization to give particular attention in their technical assistance programmes to situations where poverty is leading to or perpetuating slavery and slavery-like practices.

VIII. Study of the problem of discrimination against indigenous populations 15/

A.

Study of the problem of discrimination against indigenous populations

The Commission on Human Rights,

Recommends to the Economic and Social Council that the Secretary-General be authorized to arrange for the printing of an edited and condensed version, E/CN.4/Sub.2/1983/21/Add.8 being printed in full, of the "Study on the Problem of Discrimination Against Indigenous Populations" by Mr. José Martínez Cobo so that it may be given the widest possible distribution.

B.

United Nations Voluntary Fund for indigenous populations

The Commission on Human Rights,

Recalling its resolution 1982/19 of 10 March 1982 and 1983/23 of 4 March 1983, regarding the human rights and fundamental freedoms of indigenous populations,

Further recalling its resolution 1984/32 of 12 March 1984, which noted with interest the Working Group's discussion of the possible establishment of a voluntary fund to facilitate the participation of representatives of indigenous populations in the Working Group's work, and looked forward to its considered proposals in this regard,

1. Endorses the decision of the Sub-Commission to consider the establishment of such a fund as a significant development for the future promotion and protection of human rights of indigenous populations;

15/ See chap. XVIII, sect. A, resolution 1984/35 and chap. X.

2. Recommends the following resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling its resolution 1982/34 of 7 May 1982, authorizing the establishment of an annual Working Group on Indigenous Populations,

Recommends the following resolution to the General Assembly for adoption:

The General Assembly,

Taking note of Economic and Social Council resolution 1982/34 of 7 May 1982, authorizing the establishment of an annual Working Group on Indigenous Populations,

Taking note of Commission on Human Rights resolution 1984/32 of 12 March 1984,

1. Convinced that the establishment of a voluntary trust fund for indigenous populations constitutes a significant development for the future promotion and protection of the human rights of indigenous populations;

2. Decides to establish a voluntary trust fund in accordance with the following criteria:

(a) The name of the fund will be the United Nations Voluntary Fund for Indigenous Populations;

(b) The purpose of the fund will be to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing them with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities;

(c) The only type of activity to be supported by the Fund is the one described in subparagraph (b) supra;

(d) The only beneficiaries of assistance from the Fund shall be representatives of indigenous peoples' organizations and communities and who are (i) so considered by the Board of Trustees described in subparagraph (e) infra, (ii) who would not, in the opinion of the Board, be able to attend the sessions of the Working Group without the assistance provided by the Fund, and (iii) would be able to contribute to a deeper knowledge by the Working Group of the problems affecting indigenous populations and who would secure a broad geographical representation;

(e) The Fund shall be administered in accordance with the Financial Regulations, Rules and other relevant provisions set forth in the annex to the note presented by the Secretary-General in document E/CN.4/Sub.2/1983/20, with the advice of a Board of Trustees composed of five persons with relevant experience on issues affecting indigenous populations and who will serve in their personal capacity. The members of the Board of Trustees shall be appointed by the Secretary-General of the United Nations for a three-year term renewable in consultation with the current Chairman of the Sub-Commission. At least one member of the Board shall be a representative of a widely recognized organization of indigenous people.

B. Sub-Commission resolutions referring to matters which require action or consideration by the Commission 16/

1984/1 Review of further developments in fields with which the Sub-Commission has been concerned

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

1. Requests the Special Rapporteur to continue his work and to submit the final report to the Sub-Commission, at its thirty-eighth session; 17/

1984/2 The status of the individual and contemporary international law

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

2. Requests the Special Rapporteur to continue her work on the above-mentioned study with a view to submitting her final report to the Sub-Commission during its thirty-eighth session; 18/

1984/3 Draft body of principles and guidelines on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

1. Requests the Special Rapporteur to continue her work on the above-mentioned study and the draft body of principles and guidelines with a view to submitting her final report to the Sub-Commission at its thirty-eighth session; 19/

1984/4 Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

1. Invites, in accordance with resolution 1984/6 of 28 February 1984 of the Commission on Human Rights and decision 1984/130 of 24 May 1984 of the Economic and Social Council, the Special Rapporteur, Mr. Ahmed Khalifa:

16/ For the text of the resolutions, see chap. XVIII, sect. A.

17/ See annex II to the present report.

18/ See annex II to the present report.

19/ See annex II to the present report.

1984/9 The administration of justice and the human rights of detainees: The state of siege in Paraguay

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

1. Requests The Commission on Human Rights to recommend to the Government of Paraguay to persevere in its aim to co-operate with the Commission with a view to ending the state of siege, and to consider enacting a measure of amnesty allowing the participation of all in the public affairs of the country;

1984/11 The administration of justice and the human rights of detainees: Study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

1. Requests the Special Rapporteur to submit his final report to the Sub-Commission at its thirty-eighth session; 22/

1984/14 Question of the violation of human rights and fundamental freedoms: The situation in the Islamic Republic of Iran

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

3. Decides to request the Secretary-General to bring to the attention of the Commission on Human Rights and its special representative the information received by the Sub-Commission concerning the grave violations of human rights and fundamental freedoms in the Islamic Republic of Iran and of the action taken by the Sub-Commission in this matter;

4. Requests the Secretary-General to inform the Sub-Commission, at its thirty-eighth session, of the actions of the special representative of the Commission and of the deliberations of the Commission on Human Rights on this matter, as well as of any consideration which may be given to it by the General Assembly or the Economic and Social Council.

22/ See annex II to the present report.

1984/15 The new international economic order and the promotion of human rights: The right to adequate food

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

1. Requests the Special Rapporteur to continue his work on the above-mentioned study with a view to submitting his final report to the Sub-Commission at its thirty-eighth session; 23/

...

1984/21 Question of the violation of human rights and fundamental freedoms: The right to leave any country, including one's own, and the right to return to one's own country

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

2. Requests the Special Rapporteur to continue his important work in order to present to the Sub-Commission at its thirty-eighth session for its consideration a progress report on the aforesaid matters and at its thirty-ninth session his final report, including recommendations for promoting and encouraging respect for and observance of that right; 24/

...

1984/22 Question of the violation of human rights and fundamental freedoms: The penalty of amputation

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

Recommends to the Commission on Human Rights to urge Governments, which have such legislation or practices to take appropriate measures to provide for other punishment consonant with article 5.

1984/23 Question of the violation of human rights and fundamental freedoms: The situation in Guatemala

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

2. Exhorts, once again, the Government of Guatemala to take effective measures to ensure that all authorities and dependencies, including its security forces, observe total respect of the human rights and fundamental freedoms of its citizens;

23/ See annex II to the present report.

24/ See annex II to the present report.

3. Invites, in this respect, the Government of Guatemala to clarify in an efficient manner the destiny of all those persons who have disappeared since the outset of the conflict, forbid clandertine prisons, sanction the authors of acts of torture, ensure effective enforcement of the right of habeas corpus and take measures to free and provide care to imprisoned persons;

4. Calls upon all parties concerned in the conflict to ensure application of the humanitarian law applicable in this type of conflict in particular the Geneva Conventions and its Additional Protocols;

...

6. Urges, in consequence, the Government of Guatemala to carry out the electoral schedule and to improve the guarantees that all political forces be allowed to participate in the presidential elections to be held in July 1985 taking appropriate measures to eliminate the climate of intimidation which preceded the elections of the National Constituent Assembly on 1 July 1984;

7. Further urges all Governments to abstain from providing arms or other kinds of military assistance as long as serious violations of human rights continue in Guatemala;

8. Invites the Special Rapporteur to take due account of the situation of the indigenous population, as well as all reports submitted to the Sub-Commission, which it will forward to him, and any other relevant data furnished him.

1984/24 Question of the violation of human rights and fundamental freedoms: The situation in East Timor

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

2. Requests the Secretary-General to continue his efforts to encourage all parties concerned, including the administering Power, to co-operate in order to achieve a durable solution taking into full consideration the interests of the people of East Timor;

3. Requests the Indonesian authorities to facilitate without restrictions the activities of humanitarian organizations in East Timor;

4. Recommends therefore to the Commission on Human Rights to study carefully at its forty-first session the evolution of the situation of human rights and fundamental freedoms in East Timor.

1984/25 The administration of justice and the human rights of detainees: The situation in Uruguay

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

1. Appeals to the Government of Uruguay to respond positively to the concerns indicated by the Chairman of the Commission on Human Rights in his telegram dated 17 July 1984 to the Government of Uruguay and requests the Chairman of the Commission on Human Rights to pursue this matter further, taking into account the present resolution;

2. Expresses its confidence that the Government of Uruguay will continue to make efforts in conjunction with the political forces in the country to achieve the full restoration of democratic institutions, and will continue to adopt measures designed to restore the full exercise of human rights and fundamental freedoms;

3. Urges the authorities to speed up the process of setting free persons detained and/or sentenced for alleged offences against the security of the State and internal order;

4. Urges the Government of Uruguay to lift the restrictions on political rights affecting citizens and political parties, in order that truly free, democratic elections may be held;

5. Likewise urges the Government of Uruguay to set Mr. Wilson Ferreira Aldunate free once and for all and to remove any restrictions on political rights affecting him;

6. Recommends to the Commission on Human Rights to urge the Secretary-General to use his good offices with a view to verifying the information according to which the charges against Mr. Wilson Ferreira Aldunate include that of "having made requests before specialized agencies of the United Nations", and to inform the Chairman of the Commission on Human Rights of the results of his endeavours.

1984/26 Question of the violation of human rights and fundamental freedoms: The situation in El Salvador

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

1. Recommends that, in spite of the change of Government in El Salvador, the Commission continue to examine the human rights situation and compliance with the Geneva Conventions;

2. Requests the Special Representative to pay particular attention to the reports of continued and systematic bombing of the civilian population by Government forces;

3. Suggests that the Commission repeat its appeal to the parties in the conflict to resume talks without delay to seek a comprehensive negotiated political solution that will guarantee respect for human rights and fundamental freedoms;

4. Urges all States to abstain from intervening in the internal situation in El Salvador and to suspend all supplies of arms and any type of military assistance and support, so as to allow the restoration of peace and security and the establishment of a negotiating mechanism that will make for a comprehensive political solution;

5. Requests the Secretary-General to report to the Sub-Commission at its thirty-eighth session on the work of the Representative of the Commission and on the deliberations of the General Assembly and the Commission relating thereto.

1984/27 The administration of justice and the human rights of detainees

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

1. Requests Mr. Leandro Despouy to prepare an explanatory paper on the ways and means in which preparation of such work can best be achieved in the future, and to submit it to the Sub-Commission and its Working Group on Detention at its thirty-eighth session; 25/

1984/28 Slavery and slavery-like practices: Mission to Mauritania

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

3. Decides to request the expert to present his report to the Commission on Human Rights at its forty-first session; 26/

1984/29 Question of the violation of human rights and fundamental freedoms: The situation in Chile

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

1. Urges the Chilean authorities to put an end to all the measures of repression, to torture and to cruel, inhuman or degrading treatment;

2. Calls upon the Chilean authorities to identify the persons responsible for the disappearances, torture and cruel, inhuman or degrading treatment, and to punish the guilty;

3. Calls likewise upon the Chilean authorities to respect civil, political, economic, social and cultural rights, including those of the indigenous peoples, notably as regards their lands and cultural identity;

4. Recommends to the Commission on Human Rights to address an urgent appeal to the Chilean authorities to respect and promote human rights in conformity with the international instruments to which Chile is a party, and to co-operate with the Special Rapporteur of the Commission.

25/ See annex II to the present report.

26/ See annex II to the present report.

1984/30 The effects of gross violations of human rights on international peace and security

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

4. Further requests the Secretary-General to transmit, as soon as possible, a reminder to Governments and non-governmental organizations which have not yet commented on the communication sent to them pursuant to paragraph 4 of resolution 1983/32 of the Sub-Commission, to submit, if they wish to do so, their comments, views and information to the Secretary-General; and to prepare a progress report, taking into consideration all the replies received and the comments made by the members of the Commission and the Sub-Commission at its thirty-eighth session;

...

1984/31 Elimination of all forms of intolerance and discrimination based on religion or belief

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

1. Requests the Special Rapporteur to continue her work and to submit a progress report to the Sub-Commission, at its thirty-eighth session and a final report at its thirty-ninth session; 27/

1984/32 Question of the violation of human rights and fundamental freedoms: The situation in Sri Lanka

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

Expresses the hope that the Government of Sri Lanka will submit information on the progress made in the investigation of the incidents, and the recent efforts to promote communal harmony to the Commission on Human Rights at its forty-first session.

1984/35 Study of the problem of discrimination against indigenous populations

A

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

3. Decides to transmit the study to the Commission on Human Rights at its forty-first session and to draw the attention of the Commission to the conclusions, proposals and recommendations contained in document E/CN.4/Sub.2/1983/21/Add.8;

27/ See annex II to the present report.

4. Requests the Special Rapporteur to present his study to the Commission on Human Rights at its forty-first session, 28/

5. Requests the Commission on Human Rights to transmit the study to all States Members of the United Nations, the specialized agencies particularly the International Labour Organisation, World Health Organization, Food and Agriculture Organization of the United Nations and United Nations Educational, Scientific and Cultural Organization, the International Atomic Energy Agency, United Nations bodies concerned and all non-governmental organizations concerned with human rights issues, drawing their attention to its conclusions, proposals and recommendations, and requesting them to submit any comments they may wish to make to the Secretary-General for transmission to the Working Group on Indigenous Populations at its fourth session, and to the Sub-Commission at its thirty-eighth session.

B

Report of the Working Group on indigenous populations

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

9. Reiterates its recommendations that the reports of the Working Group be made available to the Commission on Human Rights at each of its sessions;

1984/36 Encouragement of universal acceptance of human rights instruments

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

7 Requests the Secretary-General to hold informal discussions concerning prospects for ratification of human rights instruments, with government delegations on the occasion, for example, of the sessions of the General Assembly and the Commission on Human Rights, priority being given to the instruments prepared by the Commission on Human Rights such as the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Optional Protocol to that Covenant; the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid;

...

28/ See annex II to the present report.

1984/37 Review of the work of the Sub-Commission

[The Sub-Commission on Prevention of Discrimination and Protection of Minorities,]

...

2. Endorses the recommendations of the Working Group including the long-term plan of studies for 1985-1989 (annex II) and the core items to be kept on the agenda of the Sub-Commission (annex I);

3. Requests the Secretary-General to inform the Commission on Human Rights at its forty-first session of the activities of the Working Group on the Review of the Work of the Sub-Commission as well as of the contents of the present resolution;

...

6. Recommends to the Commission on Human Rights:

(a) that consideration be given to electing the expert members of the Sub-Commission for a term of four years, with half the members elected each two years;

(b) that consideration be also given to changing the name of the Sub-Commission, in order to describe its work more clearly, to the Sub-Commission of Experts of the Commission on Human Rights;

(c) that studies prepared under the auspices of the Sub-Commission should pass whenever possible through a three-year cycle: the first year devoted to a concise report outlining the proposed approach; the second devoted to a concise progress report and raising any special questions; the final report being submitted in the third year, and that once the study had been authorized at the outset by the Economic and Social Council it would be understood that the stages to be undergone would not normally require repeated approval by the Commission or the Economic and Social Council or by Sub-Commission resolutions;

(d) that, in order to execute properly its increasing workload, services be authorized for an additional 10 meetings per session of the Sub-Commission in order to enable sessional Working Groups to meet concurrently; 29/

(e) that the Centre for Human Rights be strengthened and facilities increased so as to enable it to provide further services to the Sub-Commission and implement the five-year plan of work.

29/ See annex II to the present report.

II. ORGANIZATION OF THE SESSION

Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its thirty-seventh session at the United Nations Office at Geneva from 6 to 31 August 1984.

2. The session was opened on 6 August 1984 by Mr. Kurt Herndl, Assistant Secretary-General for Human Rights, who made an introductory statement.

3. The Sub-Commission observed a minute of silence in tribute to the memory of the victims of the first atomic bomb and all other victims of the Second World War.

Attendance

4. The session was attended by members of the Sub-Commission, by observers from Member States, by observers from three non-member States, by representatives of the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme and by representatives of specialized agencies, intergovernmental organizations, national liberation movements and non-governmental organizations. Details of attendance appear in annex I.

Election of officers

5. At its 1st meeting, the Sub-Commission elected the following officers by acclamation:

Chairman: Mr. Ivan Toševski

Vice-Chairmen: Mr. Murlidhar Chandrakant Bhandare
Mr. Louis Joinet
Mr. Fisseha Yimer

Rapporteur: Mr. Leandro Despouy

Adoption of the agenda

6. At its 1st meeting, the Sub-Commission unanimously adopted the following agenda:

1. Election of officers
2. Adoption of the agenda
3. Review of the work of the Sub-Commission
4. Review of further developments in fields with which the Sub-Commission has been concerned
5. Elimination of racial discrimination:

    (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission

    (b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories:

(a) Report of the Sub-Commission established under Commission resolution 8 (XXIII)

(b) The effects of gross violations of human rights on international peace and security

7. Communications concerning human rights: Report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

8. The administration of justice and the human rights of detainees:

(a) Question of human rights of persons subjected to any form of detention and imprisonment

(b) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

(c) Study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

(d) Implementation of the right to derogation provided for under article 4 of the International Covenant on Civil and Political Rights and violations of human rights

9. Human Rights and scientific and technological developments

10. Study of the problem of discrimination against indigenous populations

11. The New International Economic Order and the promotion of human rights

12. Slavery and slavery-like practices:

(a) Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism

(b) Exploitation of child labour

13. Encouragement of universal acceptance of human rights instruments

14. Elimination of all forms of intolerance and of discrimination based on religion or belief

15. Promotion, protection and restoration of human rights at national, regional and international levels:

(a) The status of the individual and contemporary international law

(b) Draft body of principles and guidelines on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms

(c) Other matters: Prevention of discrimination and protection of minorities

16. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirty-eighth session of the Sub-Commission

17. Report of the thirty-seventh session

Organization of work

7. The Sub-Commission took up the items of its agenda in the following order: 1, 2, 3, 4, 15, 5, 8, 9, 11, 6, 10, 7, 15(c), 12, 14, 3, 8, 13, 9, 16, 17.

Meetings resolutions and documentation

8. The Sub-Commission held 39 meetings. The views expressed during the discussion on substantive items are summarized in the records of those meetings (E/CN.4/Sub.2/1984/SR.1-E/CN.4/Sub.2/1984/SR.39). [30]

9. Written communications transmitted by Governments for circulation to the Sub-Commission are mentioned in the chapter on the items to which the communications refer.

10. The Sub-Commission also heard statements by the observers for the following Member States: Afghanistan (26th and 33rd meetings); Argentina (15th meeting); Australia (31st meeting); Brazil (32nd meeting); Canada (31st and 32nd meetings); Cyprus (9th, 13th and 19th meetings); El Salvador (27th and 36th meetings); German Democratic Republic (27th meeting); Germany, Federal Republic of (15th and 39th meetings); Guatemala (17th, 25th, 32nd, 35th and 39th meetings); India (27th meeting); Indonesia (17th, 26th, 27th and 35th meetings); Islamic Republic of Iran (27th and 34th meetings); Israel (5th, 9th, 11th, 25th and 33rd meetings); Japan (13th, 17th, 19th and 20th meetings); Mauritania (30th meeting); Norway (31st and 32nd meetings); Pakistan (27th meeting); Philippines (26th meeting); Portugal (27th meeting); Sri Lanka (17th, 23rd, 27th, 37th and 39th meetings); Sudan (26th meeting); Thailand (27th meeting); Turkey (17th meeting); Union of Soviet Socialist Republics (5th and 27th meetings); United Kingdom of Great Britain and Northern Ireland (19th, 27th and 35th meetings); United States of America (32nd meeting); Uruguay (15th, 17th, 27th and 36th meetings); and Viet Nam (27th meeting).

11. A statement was made by the representative of the Office of the United Nations High Commissioner for Refugees (24th meeting).

12. Statements were made by the representatives of the following specialized agencies: International Labour Organisation (4th and 32nd meetings); and United Nations Educational, Scientific and Cultural Organization (5th meeting).

13. A statement was made by the representative of the Organization of African Unity (13th meeting).

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[30] The 28th and 29th meetings and the 38th meeting (first part) were closed. The summary records of those meetings (E/CN.4/Sub.2/1984/SR.28, SR.29 and SR.38) were issued in restricted distribution.

14. Statements were also made by the representatives of the following national liberation movements: African National Congress (12th, 22nd and 24th meetings); Pan-Africanist Congress of Azania (9th and 22nd meetings); and the South-West Africa People's Organization (13th meeting).

15. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations:

Category II: All India Women's Conference (24th meeting); Amnesty International (16th and 23rd meetings); Anti-Slavery Society for the Protection of Human Rights (21st, 23rd, 30th, 31st and 32nd meetings); Baha'i International Community (9th, 13th, 20th, 23rd and 33rd meetings); Co-ordinating Board of Jewish Organizations (4th and 33rd meetings); Disabled Peoples' International (19th and 24th meetings); Four Directions Council (19th, 23rd, 31st and 33rd meetings); Friends World Committee for Consultation (16th meeting); International Abolitionist Federation (31st meeting); International Association of Penal Law (4th and 19th meetings); International Commission of Jurists (16th and 23rd meetings); International Committee of the Red Cross (19th meeting); International Council of Jewish Women (22nd meeting); International Federation of Human Rights (17th and 24th meetings); International Federation of Women in Legal Careers (31st meeting); International Indian Treaty Council (24th and 32nd meetings); International Law Association (35th meeting); International League for Human Rights (19th, 22nd and 33rd meetings); International Movement for Fraternal Union Among Races and Peoples (3rd, 9th, 13th, 17th, 23rd and 31st meetings); Movement Against Racism and for Friendship Among Peoples (24th meeting); Pax Christi (16th and 22nd meetings); Pax Romana (13th, 16th and 23rd meetings); Women's International League for Peace and Freedom (16th, 24th and 32nd meetings); Women's International Zionist Organization (33rd meeting); World Conference on Religion and Peace (13th meeting); World Jewish Congress (4th and 33rd meetings).

Roster: International League for the Rights and Liberation of Peoples (3rd, 22nd and 32nd meetings); Minority Rights Group (13th, 24th and 31st meetings); Procedural Aspects of International Law Institute - International Human Rights Law Group (16th, 19th and 23rd meetings); Romani Union (27th meeting); World Association for the School as an Instrument of Peace (33rd meeting).

16. The Sub-Commission adopted resolutions 1984/1 to 1984/37 and took six decisions. The texts of these resolutions and decisions appear in chapter XVIII.

17. Statements of the administrative and programme budget implications of certain resolutions and decisions appear in annex II.

18. A list of studies under preparation drawn up in accordance with Commission resolution 1982/23 appears in annex III. A draft five-year programme of work (1985-1989) appears in annex IV.

19. A list of documents submitted to the Sub-Commission for consideration appears in annex V.

III. REVIEW OF THE WORK OF THE SUB-COMMISSION

20. The Sub-Commission considered this item at its 5th meeting on 9 August and at its 35th and 38th meetings on 29 and 31 August 1984. It had before it the background note prepared by the Secretary-General under Sub-Commission resolution 1983/21 (E/CN.4/Sub.2/1984/2 and Add.1) and the report of the sessional working group (E/CN.4/Sub.2/1984/3).

21. The item was introduced by the Assistant Secretary-General for Human Rights.

22. The Chairman-Rapporteur of the Working Group, Mr. Khalifa, while introducing the report of the Group at the 35th meeting on 29 August 1984, said that the Group had considered a very wide range of complex issues, relating inter alia to: the name and terms of reference of the Sub-Commission; its role and functions; its relationship with the Commission on Human Rights; the programming of studies and other tasks; and the rationalization of its procedures and methods. Within the short time available, the Working Group had considered many ideas and suggestions. It submitted in its report, as a basis for further discussion, some conclusions and recommendations including a five-year programme of studies.

23. Several speakers stressed the need for a thorough review of the role, functions and methods of the Sub-Commission. The hope was expressed by some members that ways and means could be found to enable the Sub-Commission to avoid being drawn into sterile political discussions, as had happened sometimes in recent sessions.

24. The conclusions and recommendations of the Working Group, contained in paragraph 34 of its report, were generally appreciated. Several members, however, raised queries concerning the scope and meaning of some recommendations, and wishes were expressed for the addition of various proposals.

25. In particular, the opinion was expressed that some studies might be so important as to warrant their being undertaken in priority before completion of the five-year plan. It was also felt by some members that the proposed three-year cycle and the emphasis on conciseness, in paragraph 34/C of the Group's report, might not always be appropriate for certain studies.

26. Some areas were suggested by members for possible new studies, including: the right to life in its various aspects; the relationship between religion and human rights, in all its dimensions; the relationship between economic factors and human rights, in their various aspects in particular as regards their impact on development; as well as the negative impact of the arms race upon human rights, already mandated by the Commission. References were made to the studies already proposed in draft resolutions before the Sub-Commission at its current session.

27. The issue of the name of the Sub-Commission was again mentioned, some speakers expressing preference for the term "Sub-Commission of Experts on Human Rights". Several members wished the Sub-Commission to recommend that the term of membership should be extended to four years.

28. It was agreed that recommendations (b) and (c) of the Working Group, concerning a five-year programme of studies and a proposed three-year cycle for studies, would come into effect, if adopted, only in 1985. Some members considered that more flexibility was needed in these matters.

29. It was felt by various members that the Sub-Commission should contemplate the sending of new missions, at the request of the States concerned, following the highly commendable example of the mission to Mauritania.

30. It was suggested that the Centre for Human Rights should be strengthened to better serve the needs of the Sub-Commission. The Secretariat might wish to make greater use of modern techniques such as word processors.

31. As regards methods of work, it was suggested, inter alia, that: emphasis be placed on punctuality of attendance; strict criteria concerning the length of interventions and the closure of lists of speakers; and that resolutions should be voted upon during the course of the session instead of being accumulated for consideration at the end.

32. On 29 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.47) was submitted by Mr. Bossuyt and Mr. Whitaker.

33. At its 38th meeting, on 31 August 1984, the Sub-Commission considered the draft resolution, when Mr. Bossuyt introduced it.

34. At the same meeting, Mr. Alfonso Martínez, in view of the insufficient time available, proposed to postpone the vote on draft resolution E/CN.4/Sub.2/1984/L.47. The motion was rejected. There were 10 votes in favour, 10 against and no abstentions.

35. At the same meeting, Mr. Alfonso Martínez requested a separate vote on each subparagraph of operative paragraph 6.

36. At the same meeting, subparagraph 6(a) was adopted by 14 votes to 3, with 4 abstentions.

37. On subparagraph 6(b), Mr. Sofinsky introduced an amendment to replace the words "United Nations Human Rights Expert Sub-Commission" by "Sub-Commission of Experts of the Commission on Human Rights", which was adopted by 7 votes to 5, with 5 abstentions. Subparagraph 6(b), as amended was adopted by 9 votes to 4, with 6 abstentions. Statements in explanation of vote after the vote, were made by Mrs. Daes, Mr. Dahak and Mr. George.

38. Subparagraph 6(c) was adopted, by 15 votes to 1, with 3 abstentions.

39. Subparagraph 6(d) was adopted, by 14 votes to 1, with 4 abstentions.

40. On subparagraph 6(e), Mrs. Daes introduced an amendment to delete the words "improved and". Mr. Chowdhury subsequently proposed further that "improved and" should be deleted and the words "and facilities increased" be added after "strengthen".

41. The amendment to subparagraph 6(e) was adopted by 19 votes to none, with 1 abstention.

42. Subparagraph 6(e), as amended, was adopted by 17 votes to 2, with 1 abstention.

43. On behalf of the sponsors, Mr. Bossuyt revised the draft resolution by deleting subparagraphs 6(f) and 6(g).

44. At the same meeting, a statement of the administrative and programme budget implications was made by the Deputy Director of the Centre for Human Rights.

45. At the same meeting, draft resolution E/CN.4/Sub.2/1984/L.47, as amended, was adopted by 10 votes to 3 with 6 abstentions.

46. The text of the resolution, as adopted, appears in chapter XVIII, section A, as resolution 1984/37.

47. Statements in explanation of vote after the vote, were made by Mr. Alfonso Martínez and Mr. Joinet.

IV. REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

48. The Sub-Commission considered agenda item 4 at its 2nd, 3rd, 4th, 5th and 33rd meetings on 7, 8 and 28 August 1984.

49. The Sub-Commission had before it the following documents: (a) a note by the Secretary-General concerning further developments between 16 June 1983 and 15 June 1984 in fields with which the Sub-Commission has been concerned (E/CN.4/Sub.2/1984/4); (b) a memorandum summarizing the recent activities of the International Labour Organisation in combating discrimination in respect of employment and occupation (E/CN.4/Sub.2/1984/6); (c) a memorandum summarizing the recent activities of the United Nations Educational, Scientific and Cultural Organization in combating discrimination in education and in the field of racial relations (E/CN.4/Sub.2/1984/7); (d) a report by the Secretary-General in accordance with resolution 1984/38 of the Commission on Human Rights (E/CN.4/Sub.2/1984/5).

50. During its consideration of this item, the Sub-Commission received a preliminary report (E/CN.4/Sub.2/1984/40) by the Special Rapporteur, Mr. Benjamin Whitaker, concerning the revision and updating of the Study on Genocide. It should be recalled that in resolution 1982/2 adopted on 7 September 1982 at its thirty-fifth session, the Sub-Commission recommended, through the Commission on Human Rights, that the Economic and Social Council should request the Sub-Commission to appoint one of its members as Special Rapporteur with the mandate to revise, as a whole, and update the Study on the Question of the Prevention and Punishment of the Crime of Genocide (E/CN.4/Sub.2/416) taking into consideration the views expressed by the members of the Sub-Commission and the Commission on Human Rights, as well as replies of Governments, specialized agencies and other organizations of the United Nations system, regional organizations and non-governmental organizations to a questionnaire to be prepared by the Special Rapporteur. Mindful of resolution 1982/2 of the Sub-Commission and resolution 1983/24 of the Commission, the Economic and Social Council in resolution 1983/33 of 27 May 1983 approved the recommendation. In accordance with this resolution the Sub-Commission decided at its thirty-sixth session to appoint Mr. Benjamin Whitaker as Special Rapporteur to revise as a whole and update the Study.

51. Agenda item 4 was introduced by the Assistant Secretary-General for Human Rights.

52. With regard to further developments, several members expressed satisfaction at the return to democracy in Argentina. It was recalled that the Commission and Sub-Commission had been directly concerned with the problem. By establishing a Working Group on Involuntary and Forced Disappearances, the United Nations had played a decisive role and thereby contributed to the restoration of human rights in Argentina.

53. During the discussion reference was made to the status of international instruments and some members deplored the fact that many countries had not yet ratified some international instruments dealing with human rights or had not acceded to them. In this connection, it was suggested that United Nations organizations should make concerted efforts to persuade all Governments that had not yet done so to ratify or accede to these instruments.

54. With regard to the memorandum summarizing ILO activities in combating discrimination in respect of employment and occupation, some speakers expressed the desire to receive much fuller information in future on ILO activities, particularly in regard to freedom of association and trade union rights and apartheid, as well as other information that might be of interest to the Sub-Commission with regard to the exploitation of child labour and slavery. In the case of UNESCO, the Sub-Commission did not have time to consider the memorandum on its recent activities, which had been submitted somewhat late.

55. During the discussion on this point, the Special Rapporteur, Mr. Benjamin Whitaker, presented a preliminary report on the revised version and updating of the Study on the Question of the Prevention and Punishment of the Crime of Genocide (E/CN.4/Sub.2/1984/40). He drew attention to the unsatisfactory number of replies from Governments and interested organizations. He suggested that it would perhaps be desirable to submit the revised and updated version to the next session of the Sub-Commission in 1985 and to the Commission on Human Rights at its forty-second session in 1986 so that he could take replies to the questionnaire into consideration. He commended the report by his predecessor, Mr. Ruhashyankiko, and said that a revised and updated version of the study of genocide was needed because of various omissions from the preceding report due to political pressures, particularly in regard to the historical survey included in the study and the question of the Armenians. He mentioned that the concept of genocide had been broadened after the Second World War and that such notions as cultural genocide, genocide by neglect and death by famine or poverty might constitute violations of human rights and should be considered. He suggested that it was now necessary to establish an early warning system to forestall the crime of genocide wherever it might occur. He regretted that the enthusiasm and joint will to act which had characterized the establishment of the Nürnberg Tribunal had disappeared.

56. During the discussion on this question many speakers congratulated the Special Rapporteur on his preliminary report. Several of them said that genocide was not simply a phenomenon of the past. It was a crime that was still being commited in our day. They expressed the view that the notion of genocide should be broadened to take into account all the situations that should be included. It was necessary, they said, to go beyond the list of acts enumerated in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, bearing in mind the various types of measures in the political and cultural field which had resulted in the destruction of national, ethnic or religious groups. Reference was made to the practice of apartheid in southern Africa and to indigenous population groups, many of which were the silent and unknown victims of genocide. Various participants suggested that the concept of "ecocide" should be included in the definition of genocide, for the systematic destruction of the environment might in their view result in genocide, whether deliberate or not. It was pointed out that the question of propaganda in favour of genocide and efforts to glorify nazism and fascism with a view to minimizing the acts committed by the Nazis should be examined in the revised study. However, a number of speakers thought that a distinction should be made between massacres and genocide and that a simple broadening of the definition would not suffice. The Special Rapporteur should ensure that the notion was not distorted in such a way as to make it meaningless. Several speakers pointed out that it was necessary to prevent the crime of genocide.

57. Emphasizing the principle of the independence of Special Rapporteurs, several speakers considered that historical data should be provided, history being an essential diminsion of studies of any phenomenon. This was particularly necessary in the case of the international crime of genocide. It was essential, therefore, that in a report by the United Nations on a subject of this kind the question of the Armenians should be explicitly mentioned.

58. With regard to the question of international criminal jurisdiction and the courts competent to try crimes of genocide, several participants stressed the need for realism and doubted whether such a court could be established in the near future, in view of the fact that Governments, which were frequently those responsible for genocide committed against their own people, would hesitate to create such a court or to accept its jurisdiction. In this context, it was suggested that the question should be examined in the light of the work of the International Law Commission on a draft code of crimes against the peace and security of mankind. In the absence of an international criminal court, it was suggested that consideration should be given to the possibility of setting up an international body with authority to investigate allegations of genocide wherever they were made.

59. Several speakers rejected the idea that a person guilty of a crime against humanity could exculpate himself by claiming that he was acting in accordance with the law or on the orders of his superiors.

60. In reply to the comments made, the Special Rapporteur said that his questionnaire had been deliberately written in general terms in order not to limit the scope of government replies. In view of the few replies received to the questionnaire, he suggested that members of the Sub-Commission should make an approach to their Governments to secure early replies. In conclusion he said that in updating the study he proposed to concentrate on the initial and final parts of the Study contained in document E/CN.4/Sub.2/416.

61. At its 3rd meeting on 7 August 1984, the Sub-Commission heard a statement by the representative of the International League for the Rights and Liberation of Peoples, a non-governmental organization. At its 4th meeting, on 8 August 1984, the Sub-Commission also heard the comments of the International Labour Organisation (ILO) and the following non-governmental organizations: the World Jewish Congress, the Co-ordinating Board of Jewish Organizations, the International Association of Penal Law, and the International Movement for Fraternal Union among Races and Peoples. At its 6th meeting, the Sub-Commission heard the representative of the United Nations Educational Scientific and Cultural Organization (UNESCO) as well as the observers for Israel and the Union of Soviet Socialist Republics.

62. On 14 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.1) was submitted by Mr. Bhandare, Mr. Bossuyt, Mr. Cepeda Ulloa, Mrs. Daes, Mr. Deschênes, Mr. Despouy, Mr. George, Mrs. Gu Yijie, Mr. Joinet, Mr. Khalifa, Mr. Martínez Báez, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Takemoto, Mr. Valdez Baquero and Mr. Yimer.

63. At the 33rd meeting, on 28 August 1984, the draft resolution was introduced by Mr. Bossuyt.

64. At the same meeting, a statement of the administrative and programme budget implications of the draft resolution was made by the Deputy Director of the Centre for Human Rights.

65. At the same meeting the Sub-Commission adopted the resolution without a vote.

66. The text of the resolution, as adopted, appears in chapter XVIII, section A, as resolution 1984/1.

V. ELIMINATION OF RACIAL DISCRIMINATION

A. MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION AND THE ROLE OF THE SUB-COMMISSION

B. ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME OF SOUTH AFRICA

(a) Measures to combat racism and racial discrimination and the role of the Sub-Commission

67. The Sub-Commission considered item 5 (a), together with item 5 (b), at its 9th to 14th meetings held on 10, 13, 14 and 15 August and at its 33rd meeting held on 28 August 1984. Under this item, the Sub-Commission also reviewed the implementation of programmes envisaged under the Second Decade for Action to Combat Racism and Racial Discrimination proclaimed in 1983 by the General Assembly in its resolution 38/14. In this connection, the draft plan of activities for the period 1985-1989 was made available to the members of the Sub-Commission (A/39/167-E/1984/33).

68. The item was introduced by the Assistant Secretary-General for Human Rights who drew attention to the concrete plan of activities for the period 1985-1989 proposed by the Secretary-General in implementation of the programme of work decided upon by the Second World Conference to Combat Racism and Racial Discrimination and endorsed by the General Assembly (E/1984/33). The plan of activities was based on a thematic approach for the consideration of issues, that is to say, that each year a specific activity might be selected and studied in depth.

69. In the general discussions, all speakers condemned the phenomena of racism, racial discrimination and apartheid. The view was expressed that the policy of aparthied, which was exemplified by the so-called homeland policy leading to the eviction of the black population from their lands, pursued by the South African Government, was a crime comparable to genocide. Reference was made to the recent parliamentary reforms initiated by the South African Government. It was felt that those reforms, however, would be detrimental to the ultimate eradication of racial discrimination and apartheid, and would instead entrench the apartheid system more severely in South African society.

70. The Sub-Commission welcomed the results of the Second World Conference to Combat Racism and Racial Discrimination, held in Geneva, in August 1983. The Declaration and the Programme of Action adopted at the end of the Conference was hailed as an important step towards the total eradication of all forms of racism and racial discrimination.

71. Recognizing the fact that the goals and objectives of the first Decade had not yet been achieved, many experts consequently supported the proclamation of the Second Decade to Combat Racism and Racial Discrimination by the General Assembly in 1983.

72. One expert wondered why a year had lapsed since the Second World Conference without, in his view, any practical action being taken. He suggested that members of the Sub-Commission should contact their administrative authorities on return to their own countries to ensure that delegations to the forthcoming session of the General Assembly would be in a position to decide on practical steps.

73. Many members of the Sub-Commission, noting that the Economic and Social Council had approved the Sub-Commission's recommendation, expressed the hope that the study entrusted to Mr. Eide on the achievements made and obstacles encountered during the first Decade, with special emphasis on progress in this field, if any, between the first and Second World Conference, would bring tangible results.

74. The position was taken that implementation of the relevant United Nations resolutions and wider ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, including the Convention on the Elimination of All Forms of Racial Discrimination against Women and the International Convention on the Suppression and Punishment of the Crime of *Apartheid* could ultimately contribute to the total eradication of racism and racial discrimination.

75. Various experts advocated that mandatory economic sanctions should be imposed under the Charter of the United Nations against South Africa.

76. A number of experts suggested concrete measures to be undertaken during the Second Decade in education and training, for example, the compilation of a consolidated volume on national laws regarding the prevention of racial discrimination, training courses for legislative draftsmen and the preparation of teaching materials by UNESCO. The Department of Public Information would play a pivotal role in the dissemination of ideas, studies, and in the observance of an international day against racial discrimination.

77. Statements were made by representatives of the Organization of African Unity (OAU), the following national liberation movements: the African National Congress and the South West Africa People's Organization (SWAPO) and the following non-governmental organizations: Baha'i International Community, the International Movement for Fraternal Union among Races and Peoples, Pax Romana, the World Conference on Religion and Peace and the Minority Rights Group.

78. The observer for Japan made a statement.

79. On 22 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.7) was submitted by Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Simpson and Mr. Yimer.

80. At the 33rd meeting on 28 August 1984, Mr. Joinet also became a sponsor of the draft resolution, which was introduced at the same meeting by Mr. Mubanga-Chipoya. Mr. Alfonso Martínez made an oral proposal that, in operative paragraph 1, the words "education, teaching, training, the dissemination of information ..." should be added after the word "concerning".

81. Mr. Alfonso Martínez proposed that, in operative paragraph 4, the words "to eradicate such organizations" should be replaced by the words "against all racist activities of such organizations".

82. Mr. Joinet proposed that, in operative paragraph 1, the words "the implementation of" should be replaced by the words "taking into consideration". He also proposed that, in operative paragraph 2, the words "and nationality" should be replaced by the words "or references liable to provoke xenophobic reactions".

83. Mr. Joinet proposed that, in operative paragraph 4, the words "to eradicate such organizations" should be replaced by the words "to put an end to the racist activities of such organizations"; he then agreed to the wording proposed by Mr. Alfonso Martínez.

84. Mr. Alfonso Martínez and Mr. Carey proposed that, in operative paragraph 4, the word "legal" should be added after the words "vigorous and effective".

85. At the request of Mr. Carey, the Sub-Commission first took a separate vote on operative paragraph 1 of the draft resolution. The paragraph was adopted by 18 votes to none, with 3 abstentions. At the same meeting, the draft resolution, as amended, was adopted without a vote.

86. The text of the resolution, as adopted, appears in chpater XVIII, section A, as resolution 1984/5.

(b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa

87. The Sub-Commission considered agenda item 5 (b), together with item 5 (a) at its 9th to 14th meetings, and at its 33rd meeting held on 10, 13, 14, 15 and 28 August 1984.

88. The Sub-Commission had before it a report by the Special Rapporteur, Mr. Khalifa (E/CN.4/Sub.2/1984/8 and Add.1-2) which contained an updated comprehensive list of banks, insurance companies, firms and other organizations assisting South Afirca, either directly or indirectly, through assistance to the illegal regime of Namibia. More detailed information and comments on the type and extent of assistance given to the racist regime by entities mentioned in the comprehensive list were also provided.

89. At the 9th meeting, the item was introduced by the Assistant Secretary-General for Human Rights.

90. At the 10th meeting, the Special Rapporteur explained, in introducing his report, the link between his present report and the previous reports he had submitted to the Sub-Commission. He stated that some States had extremely lucrative interests in bolstering the South African regime. The reason behind apartheid, putting aside strategic considerations, in his view, was mainly the need for cheap labour and keeping it cheap. Far from being that of an alleged democracy, the situation in South Africa was one of a tyrant minority and a subdued majority. The so-called Constitutional reforms were, therefore, empty gimmicks. It was his view that "constructive engagement" contributed to making apartheid more repressive while millions of black South Africans continued to be shipped out of the fake States called bantustans. He referred to the fact that South Africa was also stretching its clutching claws by terrorist acts towards its neighbours, Mozambique and Angola, to impose unequal agreements on them. It was the view of the Special Rapporteur that the list annexed to his reports and its publication constituted an effective tool which acted as a deterrent. He drew attention to the need, in preparing his list, to initiate direct contacts in order to strengthen co-ordination with all the United Nations bodies dealing with relevant issues, in particular the United Nations Centre on Transnational Corporations and the Centre against Apartheid of the Secretariat. He expressed the wish to receive from all sources any information which would assist him in updating his list so that it could be as complete as possible.

91. In the general debate, all speakers expressed their appreciation of the valuable work accomplished by the Special Rapporteur. Most speakers strongly condemned racism, racial discrimination and particularly the policy of apartheid.

Most speakers felt that the policy of "constructive engagement" with South Africa helped to entrench the apartheid system more securely. They felt that South Africa was forcing its weaker neighbours into unequal agreements and pointed out that some European countries had extended a welcome to the South African Prime Minister. These were dangerous trends which would erode gains so far made in the struggle against apartheid.

92. Most speakers criticized companies which continued to do business with South Africa. In this connection, one speaker observed that certain Governments, while insisting that they could not prevent private enterprises from doing business with South Africa, managed however to pass rules to enforce embargoes on trade and business by private enterprises with certain other countries.

93. It was the view of one speaker that withdrawal from South Africa in protest against apartheid would reduce the influence of opposition to apartheid within South Africa. The speaker suggested that the United Nations, in listing foreign companies doing business in South Africa, should ask questions of them, such as whether they recognized black trade unions. Questions should also be asked of others to evaluate how companies could weaken and eliminate apartheid or at least improve conditions for the victims of apartheid.

94. It was stated that disseminating the report through publication and publicity would enhance the impact of the report in arousing public opinion and promoting further action against apartheid. Some speakers also stressed the importance of bringing the report to the attention of firms involved in dealings with South Africa. Those firms, it was suggested, should be warned about possible sanctions, including their exclusion from business, which might be available within the United Nations system.

95. Many speakers agreed that it was important that the Special Rapporteur should intensify his contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid of the Secretariat. It was also said that resources should be made available for completing the updated report. Some members pointed out that, in addition to private firms, the updated report should also cover State or public corporations and firms.

96. It was suggested that consideration should be given to including an evaluation of adverse consequences of trade with South Africa in the next report of the Special Rapporteur.

97. There was general agreement that the report should be given the widest possible circulation and publicity since the continuing existence of apartheid was an affront to the international community and the United Nations.

98. Statements were made by the observers for Israel (11th meeting) and Cyprus (13th meeting). Statements were also made by the representatives of the Organization of African Unity (13th meeting) and the following national liberation movements: African National Congress (12th meeting), SWAPO (13th meeting). The following non-governmental organizations also made statements: Baha'i International, International Movement for Fraternal Union among Races and Peoples, Pax Romana, World Conference on Religion and Peace and Minority Rights Group (13th meeting).

99. At the 14th meeting, in his concluding remarks, the Special Rapporteur expressed his gratitude for the support given to him, and for the various suggestions made by members and observers. He said that those suggestions would be taken into consideration in his updating of future reports.

100. On 21 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.4) was submitted by Mr. Al Khasawneh, Mr. Alfonso Martínez, Mr. Bhandare, Mr. Chowdhury, Mr. Dahak, Mr. George, Mr. Joinet, Mr. Martínez Báez, Mr. Mubanga-Chipoya and Mr. Simpson.

101. The draft resolution was introduced by Mr. Chowdhury at the 33rd meeting on 28 August.

102. Mr. Roche requested a separate vote on operative paragraph 2. The paragraph was adopted by 18 votes to none, with 2 abstentions.

103. A statement on the administrative and programme budget implications was made by the Deputy Director of the Centre for Human Rights.

104. Mr. Roche then requested a vote on the draft resolution as a whole. The draft resolution was adopted by 19 votes to none, with 1 abstention.

105. The text of the resolution, as adopted, appears in chpater XVIII, section A, as resolution 1984/4.

106. On 21 August 1984, a draft decision was submitted by Mr. Roche and Mr. Whitaker (E/CN.4/Sub.2/1984/L.5). At the 33rd meeting on 28 August 1984 the draft decision was introduced by Mr. Roche.

107. An amendment was proposed by Mr. Alfonso Martínez to add the following subparagraph (c):

> "(c) To consider making use of available information in regard to:
>
> (i) Figures for the annual profits of such companies derived from their activities in South Africa and Namibia, if possible for the past five years;
>
> (ii) Comparative figures for the annual profits of such companies derived from their activities in South Africa and Namibia in relation to their annual profits derived from similar activities in other countries or in relation to annual profits from other subsidiaries of the same parent company derived from activities carried out in other countries."

108. The draft decision, as amended, was rejected by 18 votes to 2, with 2 abstentions.

VI. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES:

A. REPORT OF THE SUB-COMMISSION ESTABLISHED UNDER COMMISSION RESOLUTION 8 (XXIII);

B. THE EFFECTS OF GROSS VIOLATIONS OF HUMAN RIGHTS ON INTERNATIONAL PEACE AND SECURITY

(a) Report of the Sub-Commission established under Commission resolution 8 (XXIII)

109. The Sub-Commission considered item 6 of its agenda at its 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 34th, 35th, 36th and 37th meetings, held on 20, 21, 22, 23, 29 and 30 August 1984.

110. The Sub-Commission had before it the following documents in connection with its consideration of the items:

A report of the Secretary-General submitted pursuant to Sub-Commission resolutions 1982/1 and 1983/15 concerning disabled persons which contained replies received from Governments, United Nations bodies, specialized agencies and non-governmental organizations (E/CN.4/Sub.2/1984/9);

An addendum thereto containing a communication received from the United Nations High Commissioner for Refugees (E/CN.4/Sub.2/1984/9/Add.1);

A preliminary report prepared by Mr. Mubanga-Chipoya entitled "Analysis of the current trends, and developments regarding the right to leave any country including one's own, and the right to return to one's own country, and some other rights or considerations, arising therefrom" (E/CN.4/Sub.2/1984/10);

A note by the Secretary-General submitted pursuant to Commission on Human Rights resolution 1984/11 which concerned reports, studies and publications prepared by the Division for Palestinian Rights (E/CN.4/Sub.2/1984/35);

A note by the Secretary-General submitted pursuant to Sub-Commission resolution 1983/18 concerning the situation of human rights in El Salvador (E/CN.4/Sub.2/1984/36);

A letter dated 5 July 1984 from the Permanent Representative of the Socialist Republic of Viet Nam to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/Sub.2/1984/41);

A letter dated 6 August 1984 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva, addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1984/42).

111. During the debate a number of members of the Sub-Commission, as well as the other speakers referred to the policy of apartheid. Several speakers stated that the so-called "constitutional reform" recently introduced in South Africa and the eviction and forced resettlement of the black population by the Government were in fact intended to perpetuate racial segregation. Some members mentioned the prolonged detention of Mr. Nelson Mandela and Mr. Abel Dube.

112. Several members referred to gross violations of human rights in the territories occupied by Israel in Palestine and Lebanon.

113. A number of speakers referred to specific human rights situations, including the situation in East Timor, the situation of Tamil minorities in Sri Lanka, the execution and imprisonment of Baha'i adherents and others in the Islamic Republic of Iran, the situation of the Kurds in Turkey, the Jewish minority in the Syrian Arab Republic, the situation of Ahmadiyya Muslims in Pakistan, the bombardment of the civil population in Afghanistan, the situation in the Philippines, piracy of refugees in South-East Asia, the situation in Democratic Kampuchea, the situation of the refugees in Papua New Guinea, amputations in the Sudan, the situation of the nomads in Kenya, mass killings in Uganda, the situation in Equatorial Guinea, poverty and famine in the Sahel, the right to self-determination of the people of Grenada, the situation of civilian victims in El Salvador, the situation of the indigenous people in Guatemala, the intervention of external forces in Nicaragua, the continuous state of emergency in Paraguay, the situation in Guyana, the action of United Kingdom authorities in Northern Ireland, the situation of writers in the German Democratic Republic, the situation of political prisoners and Jewry in the Union of Soviet Socialist Republics and the human rights situation in Cyprus.

114. Several speakers referred to cases involving specific individuals such as the case of Mr. Wilson Ferreira who is detained in Uruguay, the case of Dr. Andrei Sakharov of the Union of Soviet Socialist Republics, and the case of Leonard Peltier in the United States.

115. Members expressed different views on the situations and cases mentioned, in particular on the situation in Sri Lanka and the case of Dr. Sakharov.

116. Regarding the amputations in the Sudan, some members referred to the principles of the Islamic legal system.

117. At the 21st meeting, one member made suggestions for establishing a United Nations mediation service and a machinery to intervene in urgent cases of human rights violations without delay. Two Government observers were questioned by Sub-Commission members. It was also stated that the Sub-Commission should be able to question both observers for Governments and representatives of non-governmental organizations for the purpose of clarifying complementary information.

118. During the debate two procedural questions were raised by members of the Sub-Commission. One was raised at the 25th and 26th meetings concerning a statement by an observer for a Government, who referred to a country other than his own. Another was raised at the 26th and 27th meetings regarding a question posed by a member to an observer for a Government. Some members questioned whether members could "cross-examine" observers for Governments. Some others stated that posing questions for clarification should not be considered as a "cross-examination".

119. The Sub-Commission heard statements by observers for the following Member States: Afghanistan (26th meeting); El Salvador (27th meeting); German Democratic Republic (27th meeting); Guatemala (25th meeting); India (27th meeting); Indonesia (26th and 27th meetings); Islamic Republic of Iran (27th meeting); Israel (25th meeting); Pakistan (27th meeting); Philippines (26th meeting); Portugal (27th meeting); Sri Lanka (23rd and 27th meetings); Sudan (26th meeting); Thailand (27th meeting); United Kingdom of Great Britain and Northern Ireland (27th meeting); Uruguay (27th meeting); Union of Soviet Socialist Republics (27th meeting); Viet Nam (27th meeting).

120. The Sub-Commission heard statements by the representatives of the African National Congress (22nd and 24th meetings) and the Pan Africanist Congress of Azania (22nd meeting).

121. The Sub-Commission heard statements by the representatives of the following non-governmental organizations: All-India Women's Conference (24th meeting); Amnesty International (23rd meeting); Anti-Slavery Society for the Protection of Human Rights (23rd meeting); Baha'i International Community (23rd meeting); Disabled People's International (24th meeting); Four Directions Council (23rd meeting); International Commission of Jurists (23rd meeting); International Council of Jewish Women (22nd meeting); International Federation of Human Rights (24th meeting); International Indian Treaty Council (24th meeting); International League for Human Rights (22nd meeting); International Movement for Fraternal Union Among Races and Peoples (23rd meeting); Pax Christi (22nd meeting); Pax Romana (23rd meeting); Women's International League for Peace and Freedom (24th meeting); International League for the Rights and Liberation of Peoples (22nd meeting); Minority Rights Group (24th meeting); Movement Against Racism and for Friendship Among Peoples (24th meeting); Procedural Aspects of International Law Institute - International Human Rights Law Group (23rd meeting); Romani Union (27th meeting).

122. At its 24th meeting the Sub-Commission heard a statement made by the representative of the Office of the United Nations High Commissioner for Refugees.

123. On 22 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.6) was submitted by Mr. Al Khasawneh and Mr. Whitaker.

124. The Sub-Commission considered the draft resolution, at its 33rd meeting, on 28 August 1984, when it was introduced by Mr. Al Khasawneh. Mr. Joinet proposed an amendment to operative paragraph 1 as follows:

> "1. Requests the Commission on Human Rights urgently to call on the authorities in Afghanistan to put an end to the bombardment of the civilian population".

125. At the same meeting, the draft resolution as amended by Mr. Joinet was adopted by 13 votes to 4, with 2 abstentions.

126. The text of the resolution, as adopted, appears in chapter XVIII, section A, as resolution 1984/6.

127. On 24 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.18) was submitted by Mr. Bossuyt, Mrs. Daes, Mr. Deschênes, Mr. George, Mr. Martínez Báez, Mr. Mubanga-Chipoya, Mr. Roche, Mr. Simpson, Mr. Uribe Protocarrero, Mr. Valdez Baquero and Mr. Whitaker.

128. The Sub-Commission considered the draft resolution, at its 34th meeting, on 29 August 1984, when it was introduced by Mr. Bossuyt. It was stated that Mr. Simpson had requested his name to be withdrawn from the list of sponsors.

129. The observer for the Islamic Republic of Iran rejected the draft resolution since no evidence had been produced to prove the allegations as stated in the draft resolution.

130. At the same meeting, the draft resolution was adopted by 14 votes to 1, with 6 abstentions.

131. Statements in explanation of vote after the vote, were made by two members of the Sub-Commission.

132. The text of the resolution, as adopted, appears in chapter XVIII, section A, as resolution 1984/14.

133. On 27 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.26) was submitted by Mr. Bossuyt, Mr. Deschênes, Mr. George, Mr. Martínez Báez, Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Roche, Mr. Simpson, Mr. Whitaker and Mr. Yimer. At the 34th meeting, on 29 August 1984, Mr. Mubanga-Chipoya introduced the draft resolution.

134. The Sub-Commission considered the draft resolution at its 34th and 35th meetings, on 29 August 1984. Mr. George, Mr. Mazilu and Mr. Martínez Báez requested their names to be withdrawn from the list of sponsors.

135. At the 35th meeting, on 29 August 1984, Mr. Mubanga-Chipoya introduced an amendment to the draft resolution. The text of the amended draft resolution read as follows:

> "The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
>
> Noting the existence in various countries of legislations or practices providing for the penalty of amputation,
>
> Recalling Article 5 of the Universal Declaration of Human Rights,
>
> Recommends to the Commission on Human Rights to urge the Governments which had such legislations or practices to take appropriate measures to provide for other punishment consonant with the Universal Delcaration of Human Rights."

136. At the same meeting, a question was raised on whether the amendment to the original draft resolution was an amendment or a new proposal. The Sub-Commission decided, by 13 votes to 6, with 5 abstentions, that it was amendment.

137. At the same meeting, Mr. Bossuyt requested his name to be withdrawn from the list of sponsors.

138. At the same meeting, the draft resolution, as amended, was adopted by 10 votes to 5, with 9 abstentions.

139. The text of the resolution as adopted appears in chapter XVIII, section A, as resolution 1984/22.

140. On 27 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.27) was submitted by Mr. Alfonso Martínez, Mr. Joinet, Mr. Martínez Báez, Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Roche, Mr. Simpson, Mr. Sofinsky and Mr. Takemoto. Mr. Roche and Mr. Sofinsky requested that their names be withdrawn from the list of sponsors.

141. The Sub-Commission considered the draft resolution, at its 35th meeting, on 29 August 1984. The Chairman ruled that the Sub-Commission dispense with the introduction of the draft resolution. Mr. Despouy proposed amendments to the draft resolution which read as follows:

(a) A new fourth preambular paragraph:

> "Taking note of the elections which took place on 1 July 1984 and of the electoral schedule for the coming year";

(b) A new operative paragraph 6:

> "Urges, in consequence, the Government of Guatemala to carry out the electoral schedule and to establish real guarantees that all political forces be allowed to participate in the presidential elections to be held in July 1985 taking appropriate measures to eliminate the climate of terror and repression which preceded the elections of the National Constituent Assembly on 1 July 1984".

At the same meeting, Mr. Alfonso Martínez proposed an amendment to the second amendment proposed by Mr. Despouy, which read as follows:

> "Urges, in consequence, the Government of Guatemala to carry out the electoral schedule and to improve the guarantees that all political forces be allowed to participate in the presidential elections to be held in July 1985 taking appropriate measures to eliminate the climate of intimidation which preceded the elections of the National Constituent Assembly on 1 July 1984".

142. Both amendments were accepted by the sponors of the draft resolution.

143. At the same meeting, the observer for Guatemala rejected the draft resolution, as amended, since it was partial and inconsistent with the reality in Guatemala.

144. At the same meeting, the draft resolution, as amended, was adopted without a vote.

145. The text of the resolution, as adopted, appears in chapter XVIII, section A, as resolution 1984/23.

146. On 28 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.33) was submitted by Mrs. Daes, Mr. Deschênes, Mr. Joinet, Mr. Mubanga-Chipoya, Mr. Roche, Mr. Simpson, Mr. Valdez Baquero and Mr. Whitaker.

147. The Sub-Commission considered the draft resolution at its 35th meeting, on 29 August 1984, when it was introduced by Mr. Joinet. Mr. Mubanga-Chipoya, Mr. Roche and Mr. Simpson requested their names be withdrawn from the list of sponsors of the draft resolution.

148. At the same meeting, the observer for Indonesia stated that operative paragraph 3 of the draft resolution did not conform to the facts.

149. At the same meeting, the draft resolution was adopted by 8 votes to 1, with 11 abstentions.

150. The text of the resolution appears in chapter XVIII, section A, as resolution 1984/24.

151. On 28 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.30) was submitted by Mr. Despouy, Mrs. Gu Yijie, Mr. Joinet, Mr. Khalifa, Mr. Martínez Báez, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Uribe Portocarrero, Mr. Whitaker and Mr. Yimer.

152. The Sub-Commission considered the draft resolution at its 36th meeting, on 30 August 1984. The observer for El Salvador stated that the draft resolution was a political and partial document. Mr. Despouy proposed the deletion of the words "and by failing to respect the life of the wounded and prisoners of war" from the fourth preambular paragraph of the draft resolution. The amendment was adopted, by 10 votes to 4, with 5 abstentions. Mr. Deschênes proposed the deletion of the words "to El Salvador" from the fifth preambular paragraph of the draft resolution. This amendment was adopted, by 11 votes to 6, with 4 abstentions.

153. At the same meeting, the draft resolution, as amended, was adopted by 14 votes to 1, with 7 abstentions.

154. Statements in explanation of vote after the vote were made by Mr. Alfonso Martínez, Mrs. Daes, Mr. Martínez Báez and Mr. Chowdhury.

155. The text of the resolution, as adopted, appears in chapter XVIII, section A, as resolution 1984/26.

156. On 28 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.37) was submitted by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Joinet, Mr. Martínez Báez, Mr. Mubanga-Chipoya and Mr. Yimer.

157. The Sub-Commission considered the draft resolution at its 36th meeting, on 30 August 1984.

158. At the same meeting, the draft resolution was adopted without a vote.

159. The text of the resolution, as adopted, appears in chapter XVIII, section A, as resolution 1984/29.

160. On 28 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.38) was submitted by Mr. Bossuyt, Mr. Despouy, Mr. Joinet, Mr. Roche, Mr. Uribe Portocarrero and Mr. Valdez Baquero.

161. The Sub-Commission considered the draft resolution at its 36th and 37th meetings, on 30 August 1984. At the 36th meeting, Mr. Joinet introduced the draft resolution.

162. At the same meeting, Mr. Roche requested his name to be withdrawn from the list of its sponsors.

163. At the 37th meeting, the observer for Sri Lanka made a statement appealing to the Sub-Commission not to adopt the draft resolution since it could be misconstrued.

164. At the same meeting, Mr. Bossuyt proposed the deletion of the words "and control over the security forces" from the second preambular paragraph. Mr. Deschênes proposed the deletion of the words "the violence in Sri Lanka, including information on" from the operative paragraph. Both amendments were accepted by the sponsors.

165. At the 37th meeting, on 30 August 1984, the draft resolution, as amended, was adopted by 11 votes to 3, with 6 abstentions.

166. The text of the resolution, as adopted, appears in chapter XVIII, section A, as resolution 1984/32.

167. On 29 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.40) was submitted by Mr. Alfonso Martínez, Mr. George, Mr. Despouy, Mr. Joinet, Mr. Khalifa, Mr. Martínez Báez, Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Simpson and Mr. Yimer.

168. The Sub-Commission considered the draft resolution at its 37th meeting, on 30 August 1984. Mr. Whitaker, Mr. Chowdhury and Mr. Sofinsky requested that their names be added to the list of sponsors.

169. At the 37th meeting, the draft resolution was adopted, by 16 votes to none, with 2 abstentions.

170. The text of the resolution, as adopted, appears in chapter XVIII, section A, as resolution 1984/34.

Analysis of the current trends and developments regarding the right to leave any country including one's own, and the right to return to one's own country, and some other rights or considerations arising therefrom

171. The Sub-Commission considered item 6 (a) of its agenda at its 20th, 21st, 22nd, 23rd, 24th, 25th, 26th and 27th meetings held on 20, 21, 22 and 23 August and at its 34th meeting held on 29 August.

172. The Sub-Committee had before it a preliminary report prepared by Mr. Mubanga-Chipoya, Special Rapporteur (E/CN.4/Sub.2/1984/10) and a document submitted by the Procedural Aspects of International Law Institute (E/CN.4/Sub.2/1984/NGO/5).

173. At the 20th meeting, the matter was introduced by the Assistant Secretary-General for Human Rights.

174. At the 21st meeting, the Special Rapporteur introduced his preliminary report.

175. In his introduction, Mr. Mubanga-Chipoya outlined the historical background to the question, referring to the study submitted by Mr. José D. Ingles to the Sub-Commission at its fifteenth session in 1963 and to the need to update that study, in accordance with Sub-Commission resolution 1983/5 of 31 August 1983, approved by Economic and Social Council in its resolution 1984/29 of 24 May 1984.

176. The Special Rapporteur has prepared a detailed questionnaire with a view to collecting information from Governments, relevant United Nations bodies and specialized agencies as well as intergovernmental and non-governmental organizations concerned, on current trends and developments in respect of the right of everyone to leave any country, including his own, and to return to his country, and to have the possibility to enter other countries, without discrimination or hindrance, especially of the right to employment, taking into account the need to avoid the phenomenon of the brain drain from developing countries and the question of recompensing those countries for the loss incurred, and to study in particular the extent of restrictions permissible under article 12, paragraph 3, of the International Covenant on Civil and Political Rights.

177. The members of the Sub-Commission welcomed the excellent preliminary report submitted by the Special Rapporteur. The report clearly showed the need for a new study which would comply with the objectives sought after the adoption of the International Covenants on Human Rights.

178. Some members commented that the study should not be confined to the legal aspects of the question, and that it would be desirable to include political and economic aspects. One speaker pointed out that a distinction should be made between the law as such and the application of the law concerned. Since the study dealt with highly critical issues, he proposed that aspects that already came within the domain of positive international law should be formulated first and matters which might be considered as being de lege ferenda subsequently.

179. Some speakers considered that the right to leave a country presupposed the possibility to enter another country.

180. With regard to the special problem of refugees, one speaker pointed out that the principle of non-refoulement must be applied, as must the right for the refugee to return to his own country. It would be desirable to analyse in the study the issues relating to the principle of the voluntary repatriation of refugees.

181. A considerable number of speakers acknowledged the phenomenon of the brain drain to be serious. However, some thought that the idea of compensation for the brain drain might be dangerous since, if adopted, it might develop an excessive national protectionism incompatible with fundamental freedoms.

182. Various speakers considered that it would be desirable to study the de facto and de jure conditions imposed by States for an individual to be allowed to leave his country.

183. A member of the Sub-Commission suggested that the Special Rapporteur should study the relevant international decisions, including the appropriate judgements of the European Court of Human Rights and the decisions of the Council of Europe relating to the scope of his study.

184. The Sub-Commission heard a statement made by the representative of the Office of the United Nations High Commissioner for Refugees (24th meeting).

185. The Sub-Commission heard statements made by representatives of the following non-governmental organizations: International Council of Jewish Women (22nd meeting); Procedural Aspects of International Law Institute (23rd meeting).

186. On 27 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.25) was submitted by Mr. Alfonso Martínez, Mr. Bhandare, Mr. Bossuyt, Mr. Chowdhury, Mrs. Daes, Mr. Martínez Báez, Mr. Mazilu, Mr. Roche and Mr. Simpson.

187. At the 34th meeting on 29 August 1984, Mrs. Daes introduced the draft resolution, of which Mr. Sofinsky and Mr. Despouy also became sponsors. Mrs. Daes proposed the deletion of the word "deep" in operative paragraph 1. Several speakers requested that the draft resolution should be addressed to the Sub-Commission for adoption, in this case and in similar cases, and not recommended to higher organs for adoption. At the request of Mrs. Daes, the draft resolution was adopted without a vote.

188. The text of the resolution, as adopted, appears in chapter XVIII, section A, as resolution 1984/21.

Disabled persons

189. During the debate, some members of the Sub-Commission referring to the subitem "Human rights violations and disabled persons", supported the request by the Economic and Social Council resolution 1984/26 to the Sub-Commission to appoint a Special Rapporteur to undertake a thorough study of the causal connection between serious violations of human rights and disability, and of the progress made to alleviate problems. The view was expressed that the study referred to an aspect in which the Sub-Commission had a high interest, and, therefore, the study should not restrict itself to certain cases in this field, but rather examine broadly all aspects of the subject-matter. Referring to the possible terms of references of the Special Rapporteur, one member pointed out that the obstacles to the enjoyment of political, civil, economic and social rights of disabled persons, and in particular, the causal connection between disability and serious violations of human rights should be examined. Therefore, direct co-operation with non-governmental organizations concerned would be necessary.

190. Another member stressed the urgency of specific protection of human rights and fundamental freedoms of disabled persons and expressed the view that the Sub-Commission should devote more time to the consideration of these questions. It was pointed out that frequently poverty and disability were connected. Also Governments might fail to even begin to develop necessary programmes for disabled people. That was a serious problem not only in developing countries but also in developed countries. It was suggested that the Sub-Commission should consider the subject under a separate item of its agenda.

191. On the subject, the Sub-Commission heard statements by the following non-governmental organizations: Amnesty International (23rd meeting); Disabled Peoples International (24th meeting); Four Directions Council (23rd meeting); and International Council for Jewish Women (22nd meeting).

192. On 24 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.24) was submitted by Mr. Whitaker.

193. At its 34th meeting, on 29 August 1984, the Sub-Commission considered the draft resolution, when Mr. Roche introduced it and requested that his name be added to the list of sponsors. Mr. Bhandare, Mr. Chowdhury, Mrs. Daes, Mr. Deschênes, Mrs. Gu Yijie, Mr. Joinet, Mr. Khalifa, Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Takemoto, Mr. Uribe Portocarrero, Mr. Yimer also requested that their names be added to the list of sponsors.

194. At the same meeting, a statement of the administrative and programme budget implications was made by the Deputy Director of the Centre for Human Rights.

195. At the same meeting, the draft resolution was adopted without a vote.

196. The text of the resolution appears in chapter XVIII, section A, as resolution 1984/20.

(b) The effects of gross violations of human rights on international peace and security

197. The Sub-Commisssion considered agenda subitem 6 (b) together with subitem 6 (a) at its 20th to 27th and 36th meetings on 20 to 23 and 30 August 1984.

198. The Sub-Commission had before it the report of the Secretary-General prepared in accordance with the Sub-Commission resolution 1983/32 (E/CN.4/Sub.2/1984/11) and written statements submitted by the Women's International League for Peace and Freedom (E/CN.4/Sub.2/1984/NGO/6) and by the International League for the Right and Liberation of Peoples (E/CN.4/Sub.2/1984/NGO/2).

199. The Assistant Secretary-General for Human Rights introduced the subitem.

200. During the debate, it was stressed that the close relationship between respect for human rights and the maintenance of international peace and security had always been and continued to be a fundamental issue for the future of mankind. Reference was made with appreciation to the report of the Secretary-General (E/CN.4/Sub.2/1984/11) which, it was felt, reflected all the main components or the relationship between the observance of human rights and the maintenance of international peace and security. Mention was made, inter alia, of the negative effects on world peace of gross violations of civil and political freedoms and of denial of self-determination through foreign domination, colonialism, apartheid and other forms of racism. It was also stated that the crime of aggression and military occupation and the policy of fait accompli constituted serious threats against international peace. It was felt that the arms race was endangering the right to life itself and seriously limiting economic and social progress.

201. The question was raised as to how the work of the Sub-Commission under this subject should be pursued. Some expressed the view that it should be examined by the Sub-Commission on an annual basis. One member suggested that the consideration of the matter would be more fruitful if the question of the effects of gross violation of human rights on international peace and security were a separate item on the Sub-Commission's agenda. The opinion was also expressed that the Sub-Commission should appoint a special rapporteur to undertake a study on the relationship between observance of human rights and maintenance of international peace and security.

202. At the 23rd meeting, a statement was made by the representative of the Four Directions Council, a non-governmental organization.

203. On 28 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.36) was submitted by Mr. Alfonso Martínez, Mr. Bhandare, Mr. Chowdhury, Mr. Despouy, Mr. Joinet, Mr. Martínez Báez, Mr. Mazilu, Mr. Simpson, Mr. Sofinsky, Mr. Valdez Baquero and Mr. Yimer. Mrs. Daes joined the sponsors.

204. At its 36th meeting, on 30 August 1984, the Sub-Commission considered the draft resolution.

205. At the same meeting, Mrs. Daes suggested that the following new premabular paragraph and new operative paragraph 1 be added respectively to the draft resolution:

(a) "Having considered the report of the Secretary-General on the subject-matter";

(b) "Expresses its appreciation to the Secretary-General for the very comprehensive and important report he has prepared in accordance with the aforementioned resolution".

206. Both amendments were accepted by the sponsors.

207. At the same meeting, the draft resolution, as amended, was adopted without a vote.

208. The text of the resolution, as adopted, appears in chapter XVIII, section A, as resolution 1984/30.

209. At the same meeting, Mrs. Daes withdrew a similar draft resolution on the subject contained in document E/CN.4/Sub.2/1984/L.46.

VII. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

210. The Sub-Commission considered agenda item 7 at its 28th and 29th closed meetings, held on 24 August 1984.

211. By resolution 1503 (XLVIII) of 27 May 1970 the Economic and Social Council authorized the Sub-Commission to appoint a working group of not more than five of its members to meet annually for 10 days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, including replies of Government thereon, with a view to bringing to the attention of the Sub-Commission those communications, which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

212. The procedure to be followed by the Working Group in deciding on the admissibility of communications was established by Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2 (XXIV) of 16 August 1971.

213. The Sub-Commission had before it a confidential report on the work of the thirteenth session of the Working Group, held from 23 July to 3 August 1984 (E/CN.4/Sub.2/1984/R.1 and addenda). The Chairman-Rapporteur of the Working Group, Mr. Vsevolod N. Sofinsky, introduced the report. A discussion of the report followed.

214. At the closed part of the 38th meeting on 31 August 1984 the Sub-Commission adopted a confidential report, by which it communicated its findings to the Commission on Human Rights.

215. At its 39th meeting on 31 August 1984 the Sub-Commission decided on the composition of its Working Group on Communications to meet prior to its thirty-eighth session. For the composition of the Working Group, see chapter XVIII, section B, decision 1984/105.

VIII. THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES:

A. QUESTION OF HUMAN RIGHTS OF PERSONS SUBJECTED TO ANY FORM OF DETENTION AND IMPRISONMENT;

B. INDIVIDUALIZATION OF PROSECUTION AND PENALTIES AND REPERCUSSIONS OF VIOLATIONS OF HUMAN RIGHTS ON FAMILIES;

C. STUDY ON THE INDEPENDENCE AND IMPARTIALITY OF THE JUDICIARY, JURORS AND ASSESSORS AND THE INDEPENDENCE OF LAWYERS;

D. IMPLEMENTATION OF THE RIGHT TO DEROGATION PROVIDED FOR UNDER ARTICLE 4 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND VIOLATIONS OF HUMAN RIGHTS;

216. The Sub-Commission considered item 8 of its agenda at its 14th, 15th, 16th, 17th, 18th, 19th, 33rd, 34th, 35th and 36th meetings held on 15, 16, 17, 28, 29 and 30 August 1984.

217. It had before it the following documents: a report by the Secretary-General containing information communicated by Governments, specialized agencies and regional intergovernmental organizations, in accordance with Sub-Commission resolution 7 (XXVII) (E/CN.4/Sub.2/1984/12 and Add.1-4); a synopsis of material received from non-governmental organizations (E/CN.4/Sub.2/1984/13); a report by the Secretary-General on restraints in the use of force, submitted in accordance with Sub-Commission resolution 1983/24 (E/CN.4/Sub.2/1984/14); a preliminary report by Mr. Joinet, Special Rapporteur, on amnesty laws submitted in accordance with Sub-Commission resolution 1983/34 (E/CN.4/Sub.2/1984/15); a report by the sessional Working Group on Detention (E/CN.4/Sub.2/1984/16); a note by the Secretary-General on the question of the death penalty (E/CN.4/Sub.2/1984/17); a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (A/C.3/35/L.75) and comments by Governments on the question (A/36/441 and Add.1 and A/37/407 and Add.1).

A. Question of human rights of persons subjected to any form of detention and imprisonment

218. At its 3rd meeting, held on 7 August 1984, the Sub-Commission decided to establish a working group under agenda item 8. The Working Group thus established consisted of five members: Mr. Alfonso Martínez, Mr. Bhandare, Mr. Dahak, Mr. Mazilu and Mr. Roche. Mr. Roche was elected Chairman/Rapporteur of the Group.

219. Several speakers stressed that the protection of the guarantees of persons in detention was the corner-stone of human rights protection. Thus, the annual review of developments in respect of detention was of vital importance for the work of the Sub-Commission. One member expressed concern that the Commission on Human Rights had requested the Sub-Commission to defer implementation of its resolution 1982/10, whereby the Working Group on Detention was to give special attention to hearing and receiving information relating to torture and other inhuman or degrading treatment or punishment, unless the Commission on Human Rights established a system for examining such information. It was mentioned in that regard that there were reports of worsening conditions of detention in several countries, and specific cases were raised. It was suggested that an effective measure against torture and other abuses in the places of detention would be an unannounced system of inspection by an independent authority.

220. With regard to the period of detention after arrest before the person was brought before a judicial authority, one member expressed the opinion that the period should not exceed 24 to 48 hours. In the view of another member, the Sub-Commission should try to strengthen the guarantees in respect of detention without taking its length into account since, due to geographical, climatological and a great variety of other conditions, the time needed to bring a person who has been arrested before a judicial authority varied greatly; further, if there was no charge, the detention would be unlawful, regardless of its duration. Other members invoked the principle of proportionality which should apply to all aspects of detention. The importance of police training was emphasized in the area of human rights and the laws governing detention.

221. Several speakers expressed concern at the continuing phenomenon of enforced disappearances. It was suggested that the draft declaration against unacknowledged detention of persons which was before the Working Group should include an article condemning the practice as a crime against humanity, when such detentions constituted involuntary or enforced disappearances of persons. It was also recalled that in resolution 1983/11 the Sub-Commission had already suggested that the question should be referred to the International Law Commission.

222. Another suggestion was that the Sub-Commission should adopt a resolution which would contain certain guarantees, for instance: (a) that Governments confronted with a serious problem of disappearances should be able to call on experts from the Sub-Commission who would be entrusted mainly with an information and consultation mission _in situ_, a mandate modelled on that of the expert of the Sub-Commission, invited by the Government of Mauritania. The experts would be instructed _inter alia_ to make enquiries about the assistance which the Government concerned might need from the international community in order to overcome those problems; (b) to entrust to an existing agency, such as the Central Tracing Agency of the ICRC, whose mandate is provided for, in situations of internal disturbance and tensions, by the statutes of the Red Cross (A.6), a research mission in response either to a request by Governments, or to that of the Sub-Commission, or to that of non-governmental organizations or private individuals, having personal relations with the persons who had disappeared.

Restraints in the use of force

223. With reference to the report prepared by the Secretary-General on restraints in the use of force (E/CN.4/Sub.2/1984/14) one member expressed regret that so few Governments and non-governmental organizations had transmitted information on the subject; he also drew attention to the fact that little information had been received concerning the use of force by military personnel. The Sub-Commission might act as intermediary between States, informing them of the solutions adopted by others. In view of the importance of the subject of restraints in the use of force, it was suggested that the Sub-Commission should continue to study the question. One member further suggested that the sociological and statistical aspects of the question should also be taken into consideration.

Question of the elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

224. A discussion took place on the abolition or retention of the death penalty in connection with the proposal for a protocol on the abolition of the death penalty.

225. Several speakers supported the abolition of the death penalty and various arguments were advanced, for instance: (a) the death penalty is irrevocable and judicial errors cannot be rectified; (b) the theory that the death penalty is a deterrent to crime has not been proved; (c) the death penalty rejects the theory that punishment reforms the individual; (d) the Universal Declaration of Human Rights has proclaimed, in article 3, a universal principle concerning the right to life which admits of no derogation, and (e) the death penalty might make terrorists into martyrs.

226. Other speakers stated that it was preferable at the present stage to retain the death penalty. They adduced various arguments, for instance: (a) the rise in criminality and, above all, organized crime and terrorism; (b) the deterrent effect of the death penalty, which was invariably carried out in many countries for only the most serious crimes, and (c) the concern of society for the victims of crime. It was also stated that in some countries the philosophy underlying legal systems precluded the possibility of envisaging abolition of the death penalty.

227. As for the timeliness of a protocol on the abolition of the death penalty, several speakers considered it would be useful to begin the process of elaboration forthwith. The protocol would aim at a more effective implementation of article 6 of the International Covenant on Civil and Political Rights. Many speakers were of the view that the Sub-Commission should at the current stage instruct a rapporteur to prepare a working document and a draft protocol which would be used as the basis for discussion during the next session of the Sub-Commission. Mr. Bossuyt was proposed as the person best qualified to prepare such a document.

228. Other members considered the elaboration of a second protocol to be premature at present. One speaker thought that it would be illogical to speak of a "universal optional" protocol on the question because for such a protocol to be truly optional, it was not enough that some States should be able to "exercise their option" of becoming parties to it but that all States should find it possible to exercise such an option in the future. Given that a large number of countries - in view of the fact that their legal systems provided in a mandatory manner for the death penalty for some crimes - could not exercise their option of becoming parties to the proposed optional protocol, it could not be called an optional protocol at all.

Study on amnesty laws

229. Introducing the preliminary report, Mr. Joinet stated that the greater part of the study dealt with amnesty for political offences, to which most of the laws communicated to him referred and which was at the heart of the Sub-Commission's concerns. The study would aim to offer a frame of reference for the use of those who are endeavouring to promote amnesties generally, particularly the experts of the various specialized international supervisory bodies, in order to enable them better to assess the impact - positive, negative or nil - of amnesty laws promulgated in justification of authorities who are being challenged in a particular country. This frame of reference would also be available to member States confronted with drafting an amnesty law. The report was drafted specifically with that in mind.

230. The preliminary report of the Special Rapporteur was praised very highly by the Sub-Commission. Members spoke of the amnesty legislation in their own countries; the Sub-Commission gave special attention to the current amnesty process under way in Colombia and some members considered that such a precedent should be encouraged. A number of suggestions were made for the final report

which should be submitted in the course of the Sub-Commission's next session. Some speakers suggested that the final report should deal with amnesty in general rather than confining itself to political offences. However, it was also stated that such an extension might encroach on the competence of the Committee on Crime Prevention and Control or that the scope of the task would necessitate a separate special report. One member mentioned that the category of judicial amnesty might also be included. Another member suggested that the report should include suggestions on the machinery for the implementation of the amnesty legislation by national organs.

231. With regard to co-ordination among various branches of the United Nations system in respect of issues related to detention, members regretted the fact that the Centre for Social Development and Humanitarian Affairs was not represented at the Sub-Commission's current session.

232. The following observers for States made statements: Argentina (15th meeting), Cyprus (19th meeting), Germany, Federal Republic of (15th meeting), Guatemala (17th meeting), Indonesia (17th meeting), Japan (17th meeting), Sri Lanka (17th meeting), Turkey (17th meeting).

233. The representative of the International Committee of the Red Cross made a statement (19th meeting).

234. The following representatives of non-governmental organizations made statements: Amnesty International (16th meeting), Friends World Committee for Consultation (16th meeting), International Commission of Jurists (16th meeting), International Federation of Human Rights (17th meeting), Women's International League for Peace and Freedom (16th meeting), International Movement for Fraternal Union Among Races and Peoples (17th meeting), Pax Christi (16th meeting), Pax Romana (16th meeting), Procedural Aspects of International Law Institute - International Human Rights Law Group (16th meeting).

B. Individualization of prosecution and penalties and repercussions of violations of human rights on families

235. Members expressed their concern at the persecution of individuals for the mere fact of their ties, particularly family ties, with a suspect, an accused person or a person adjudged guilty of an offence.

236. A member expressed the view that the Sub-Commission should be allocated more time to consider the issue. The member also suggested that a concise report prepared by the Secretariat would be a useful basis for discussions at the Sub-Commission's thirty-eighth session.

237. Another member expressed the view that a special study of the problem, which constituted a flagrant violation of human rights, was not necessary on the part of the Sub-Commission. The question came more within the competence of the Committee on Crime Prevention and Control.

C. Study of the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

238. Various speakers underscored the vital role of the independence of judges and lawyers in the protection of human rights.

239. The laws and principles concerning the protection of individual liberty would be meaningless if the judiciary was controlled by the executive or was too timid to check its abuses. Several speakers stressed the importance of the 1982 Montreal Declaration on the Independence of the Judiciary.

240. The Sub-Commission very much regretted that Mr. Singhvi was not yet in a position to submit his final report. It postponed consideration of the study to the following year, in the firm hope that it would have the final study in its possession well before the opening of the next session.

D. Implementation of the right to derogation provided for under article 4 of the International Covenant on Civil and Political Rights and Violations of Human Rights

241. This aspect was referred to the Working Group.

242. The Chairman-Rapporteur of the Working Group on Detention, Mr. Roche, introduced the report of the Group (E/CN.4/Sub.2/1984/16) and drew attention, in particular, to the discussions held on a draft proposal concerning a declaration against unacknowledged detention of persons. It had been agreed by the Group that he would prepare a revised version of the draft declaration on the basis of the comments made during the discussions and the documents submitted to the Group. The revised draft would be considered by the Working Group at its next session, in 1985.

243. Speakers commended the report of the Working Group and expressed their support for the Group's endeavour to carry out its heavy tasks, in particular the preparation of the draft declaration and the list of countries under states of siege or emergency. In connection with the latter, satisfaction was expressed at the Group's suggestion that Mr. Despouy be requested to prepare a working paper which would serve as a basis for the discussions in 1985.

244. The observer for the United Kingdom (35th meeting) informed the Sub-Commission that his Government had announced, on 22 August 1984, the withdrawal of the United Kingdom's notices of derogation from two international human rights instruments: the International Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

245. The representative of the International Law Association made a statement (35th meeting).

246. On 22 August 1984 a draft resolution (E/CN.4/Sub.2/1984/L.8) was submitted by Mr. Bhandare, Mrs. Daes, Mr. Deschênes, Mr. Joinet, Mr. Khalifa, Mr. Martínez Báez, Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Roche, Mr. Simpson, Mr. Cepeda Ulloa, Mr. Valdez Baquero, Mr. Whitaker and Mr. Yimer.

247. At the 33rd meeting, on 28 August 1984, the draft resolution was introduced by Mr. Joinet.

248. At the same meeting, Mr. Sofinsky proposed that the words "in favour or against the idea of elaborating such a protocol" be added after the words "the Sub-Commission" in operative paragraph 2 of the draft resolution to be recommended to the Economic and Social Council for adoption, which was accepted by the sponsors.

249. At the same meeting, a statement of the administrative and programme budget implications was made by the Deputy Director of the Centre for Human Rights.

250. At the same meeting, the draft resolution, as amended, was adopted without a vote.

251. The text of the resolution, as adopted, appears in chapter XVIII, section A, as resolution 1984/7.

252. On 23 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.9) was submitted by Mr. Bossuyt, Mr. Carey, Mr. Chowdhury, Mrs. Daes, Mr. Dahak, Mr. Deschênes, Mr. Khalifa, Mr Mazilu and Mr. Simpson.

253. At its 33rd meeting, the Sub-Commission considered the draft resolution, when Mr. Despouy introduced it and requested that his name be added to the list of sponsors.

254. At the same meeting, a statement of the administrative and programme budget implications was made by the Deputy Director of the Centre for Human Rights.

255. At the same meeting, the draft resolution was adopted without a vote.

256. The text of the resolution appears in chapter XVIII, section A, as resolution 1984/8.

257. On 24 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.10) was introduced by Mr. Al Khasawneh, Mr. Alfonso Martinez, Mr. Bhandare, Mr. Bossuyt, Mr. Chowdhury, Mrs. Daes, Mr. Dahak, Mr. Deschênes, Mr. George, Mr. Despouy, Mrs. Gu Yijie, Mr. Joinet, Mr. Khalifa, Mr. Martínez Báez, Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Roche, Mr. Simpson, Mr. Sofinsky, Mr. Takemoto, Mr. Uribe Portocarrero, Mr. Valdez Baquero, Mr. Whitaker and Mr. Yimer.

258. At the 33rd meeting, the draft resolution was introduced by Mrs. Daes, who proposed to revise it by inserting the words "the Commission on Human Rights to recommend to" between the words "Requests" and "the Government" in operative paragraph 1.

259. At the same meeting, the draft resolution, as revised, was adopted unanimously, by 19 votes to none, with no abstention.

260. The text of the resolution, as adopted, appears in chapter XVIII, section A, as resolution 1984/9.

261. On 23 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.14) was submitted by Mr. Bossuyt, Mr. Dahak, Mr. Deschênes, Mr. Despouy, Mr. Roche, Mr. Takemoto and Mr. Whitaker.

262. At the 34th meeting, on 29 August 1984, the draft resolution was introduced by Mr. Deschênes.

263. At the same meeting, the draft resolution was adopted without a vote.

264. The text of the resolution appears in chapter XVIII, section A, as resolution 1984/10.

265. On 23 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.15) was submitted by Mr. Bossuyt, Mrs. Daes, Mr. Dahak, Mr. Deschênes, Mr. Dove-Edwin, Mrs. Gu Yijie, Mr. Joinet, Mr. Mubanga-Chipoya and Mr. Whitaker.

266. At the 34th meeting, on 29 August 1984, the draft resolution was introduced by Mrs. Daes.

267. At the same meeting, a statement of the administrative and programme budget implications was made by the Deputy Director of the Centre for Human Rights.

268. At the same meeting, the draft resolution was adopted without a vote.

269. The text of the resolution appears in chapter XVIII, section A, as resolution 1984/11.

270. On 23 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.11) was submitted by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Dahak, Mr. Deschênes, Mr. Despouy, Mr. Joinet, Mr. Mazilu, Mr. Roche, Mr. Takemoto and Mr. Whitaker.

271. At the 34th meeting, on 29 August 1984, the draft resolution was introduced by Mr. Bossuyt. Mr. Bhandare and Mr. Chowdhury requested that their names be added to the list of sponsors.

272. At the same meeting, the draft resolution was adopted without a vote.

273. The text of the resolution appears in chapter XVIII, section A, as resolution 1984/13.

274. On 24 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.20) was submitted by Mr. Al Khasawneh, Mr. Chowdhury, Mr. Dahak, Mr. Despouy, Mr. Martínez Báez, Mr. Mazilu, Mr. Roche, Mr. Simpson, Mr. Takemoto, Mr. Valdez Baqueño, Mr. Whitaker and Mr. Yimer.

275. At the 34th meeting, on 29 August 1984, the draft resolution was introduced by Mr. Despouy. Mr. Bhandare, Mrs. Daes and Mr. Mubanga-Chipoya requested that their names be included in the list of sponsors.

276. At the same meeting, the draft resolution was adopted without a vote.

277. The text of the resolution appears in chapter XVIII, section A, as resolution 1984/16.

278. On 24 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.17) was submitted by Mr. Alfonso Martínez, Mr. Al Khasawneh, Mr. Bossuyt, Mr. Despouy, Mr. Joinet, Mr. Martínez Báez, Mr. Roche, Mr. Simpson, Mr. Uribe Portocarrero and Mr. Whitaker.

279. At its 36th meeting, on 30 August 1984, the Sub-Commission considered the draft resolution and adopted it by 17 votes to none with 5 abstentions.

280. The text of the resolution appears in chapter XVIII, section A, as resolution 1984/25.

281. On 28 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.34) was submitted by Mr. Al Khasawneh. Mr. Alfonso Martínez, Mr. Bhandare, Mr. Bossuyt, Mr. Chowdhury, Mr. Dahak, Mr. Despouy, Mr. George, Mr. Joinet, Mr. Martínez Báez, Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Roche, Mr. Simpson, Mr. Takemoto, Mr. Uribe Portocarrero, Mr. Valdez Baquero, Mr. Whitaker and Mr. Yimer.

282. At its 36th meeting, on 30 August 1984, the Sub-Commission considered the draft resolution.

283. At the same meeting, a statement of the administrative and programme budget implications was made by the Deputy Director of the Centre for Human Rights.

284. At the same meeting, the draft resolution was adopted without a vote.

285. The text of the resolution appears in chapter XVIII, section A, as resolution 1984/27.

IX. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

286. The Sub-Commission considered this agenda item at its 19th, 20th, 34th and 35th meetings on 17, 20 and 29 August 1984.

287. The representative of the Centre for Human Rights, introducing the item, outlined the history of consideration of the subject in the United Nations and noted that in resolution 1984/27 the Commission on Human Rights had requested the Sub-Commission to consider areas in which studies might be undertaken.

288. Several members thought that in accordance with Commission resolution 1984/27, the Sub-Commission should take fully into account the rapid progress of science and technology in their relationship with human rights and define areas in which further work, especially studies, might be envisaged.

289. It was important to avoid poorly defined topics or topics which duplicated the programmes of other sectors of the United Nations or of the specialized agencies.

290. The areas in which further study would be desirable included recent scientific and technological developments, particularly in information sciences and monitoring techniques and their impact on the right of privacy.

291. Appreciative reference was made to Mr. Joinet's study on computerized personal files, which the Commission had welcomed in resolution 1984/27. Mr. Joinet had suggested that the draft guidelines he had prepared should be submitted for comment to Governments and interested organizations.

292. Several speakers suggested that the Sub-Commission should consider the human rights issues raised by experiments on human beings. Drawing attention to the rule in article 7 of the International Covenant on Civil and Political Rights, some participants voiced grave concern regarding current practices in a number of countries, including, it was alleged, experiments with new drugs conducted by various pharmaceutical companies in third world countries. It was also suggested that a study should be made of scientific and technological developments in relation to torture. Some members recalled the Sub-Commission's mandate under Commission resolution 1982/7 to study the negative consequences of the arms race.

293. Statements were made by the observers for Japan (20th meeting) and the United Kingdom (19th meeting). At the 19th meeting, statements were made by the representatives of the following non-governmental organizations: the International League for Human Rights, the International Association of Penal Law, the Four Directions Council and the Women's International League for Peace and Freedom.

294. At its 35th meeting, on 29 August, the Chairman-Rapporteur of the Working Group on the question of persons detained on the grounds of mental ill-health or suffering from mental disorder, Mrs. Daes, introduced the report of the Working Group on its third session. Speaking of the Group's work, she stated that the Working Group had continued and completed its first reading of the draft body of principles, guidelines and guarantees for the protection of the mentally-ill or persons suffering from mental disorder, a full revised text of which, including relevant comments thereon, was attached to the report in order to facilitate further consideration of the draft body at its next session. As regards articles 41, 42, 43 and 44 referring to minors and juvenile patients, the Chairman-Rapporteur drew attention to the decision of the Working Group to resume

consideration of these articles at its next session because of lack of comprehensive study on those terms. Referring to a suggestion to revise the title of the draft body, Mrs. Daes also called attention to a decision of the Working Group to consider such a suggestion at its next session. Mrs. Daes further added that in accordance with relevant resolutions and decisions of the General Assembly and the Economic and Social Council, the Working Group should continue the second reading of the aforementioned draft body of principles, guidelines and guarantees for the protection of the mentally-ill or persons suffering from mental disorder, at its next session with a view to completing its work during the thirty-eighth session of the Sub-Commission.

295. On 23 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.16) was submitted by Mr. Al Khasawneh, Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Carey, Mr. Chowdhury, Mrs. Daes, Mr. Dahak, Mr. Deschênes, Mr. Martínez Báez, Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Takemoto, Mr. Valdez Baquero, Mr. Whitaker and Mr. Yimer.

296. At the 34th meeting, on 29 August 1984, the draft resolution was introduced by Mr. Bossuyt.

297. At the same meeting, the draft resolution was adopted without a vote.

298. The text of the resolution, as adopted, appears in chapter XVIII, section A, as resolution 1984/15.

299. On 24 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.20) was submitted by Mr. Al Khasawneh, Mr. Chowdhury, Mr. Dahak, Mr. Despouy, Mr. Martínez Báez, Mr. Mazilu, Mr. Roche, Mr. Simpson, Mr. Takemoto, Mr. Valdez Baquero, Mr. Whitaker and Mr. Yimer.

300. At the 34th meeting, on 29 August 1984, the draft resolution was introduced by Mr. Despouy. Mrs. Daes, Mr. Bhandare and Mr. Mubanga-Chipoya became sponsors.

301. At the same meeting, the draft resolution was adopted without a vote.

302. The text of the resolution, as adopted, appears in chapter XVIII, section A, as resolution 1984/16.

303. On 24 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.21) was submitted by Mr. Bossuyt, Mr. Deschênes, Mr. George, Mr. Khalifa, Mr. Martínez Báez, Mr. Mazilu, Mr. Roche, Mr. Simpson and Mr. Takemoto.

304. At the 34th meeting, on 29 August 1984, the draft resolution was introduced by Mr. Deschênes. Mr. Bhandare and Mr. Chowdhury became sponsors of the draft resolution.

305. At the same meeting, a statement of the administrative and programme budget implications of the draft resolution was read out by the Deputy Director of the Centre for Human Rights.

306. At the same meeting, the draft resolution was adopted without a vote.

307. The text of the resolution, as adopted, appears in chapter XVIII, section A, as resolution 1984/17.

308. On 24 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.22) was submitted by Mr. Bossuyt, Mrs. Daes, Mr. Dahak, Mr. Deschênes, Mr. Dove-Edwin, Mrs. Gu Yijie, Mr. Khalifa, Mr. Martínez Báez, Mr. Mazilu and Mr. Whitaker.

309. At its 34th meeting, on 29 August 1984, the Sub-Commission considered the draft resolution, when Mr. Bossuyt introduced the draft resolution.

310. At the same meeting, the draft resolution was adopted without a vote.

311. The text of the resolution appears in chapter XVIII, section A, as resolution 1984/18.

X. STUDY OF THE PROBLEM OF DISCRIMINATION AGAINST INDIGENOUS POPULATIONS

312. The Sub-Commission considered item 10 of its agenda at its 21st, 31st, 32nd and 37th meetings, on 23, 27, 28 and 30 August 1984.

313. The Sub-Commission had before it the following documents: (a) the final report by Mr. José R. Martínez Cobo, the Special Rapporteur, entitled "Study of the problem of discrimination against indigenous populations" (E/CN.4/Sub.2/476 and Add.1-6; E/CN.4/Sub.2/1982/2 and Add.1-7; E/CN.4/Sub.2/1983/21 and Add.1-8); (b) the report on the third session of the Working Group on Indigenous Populations (E/CN.4/Sub.2/1984/20); and (c) a written statement submitted by the Four Directions Council, a non-governmental organization (E/CN.4/Sub.2/1984/NGO/3).

314. Introducing the last part of his final report, the Special Rapporteur emphasized that the great merit of the Study on indigenous populations was that it had for the first time aroused the interest and concern of the international community for one of the largest, weakest and most underprivileged sections of mankind. Hence, it was essential for the question of protection of the rights of indigenous populations to remain on the Sub-Commission's agenda. Mr. Martínez Cobo outlined the numerous proposals and recommendations contained in his report. In his view, the fullest support should be given to the Working Group so that it could attend exclusively to the problems affecting indigenous populations in various parts of the world and study ways and means of enabling them to secure effective enjoyment of their rights and fundamental freedoms. He then pointed to activities in this field that should be carried out by the specialized agencies. As to a possible decision by United Nations organs to elaborate a declaration on the rights of indigenous populations, he observed that the basic principles he had developed in his study could serve as a basis for such an endeavour.

315. Mrs. Erica-Irene Daes, Chairman-Rapporteur of the Working Group on Indigenous Populations, introduced the Group's report on its third session. She emphasized that a large number of representatives of indigenous populations, observers for Governments, specialized agencies and representatives of non-governmental organizations had taken part in the session. In connection with the Group's work, she said that, in order to obtain relevant information and the views of observers and the representatives of indigenous populations and specialized agencies, the Group had once again adopted a flexible procedure that distinguished it from other United Nations bodies. She drew attention to the fact that the Working Group's task was not to act as a tribunal to examine complaints or verify the truth of certain allegations. On the complex issue of a definition of indigenous populations, the Group had by common accord decided to use initially as a working definition the one which had been proposed by Mr. Martínez Cobo in his study and which was contained in paragraph 108 of the Working Group's report. Lastly, Mrs. Daes drew the Sub-Commission's attention to the Plan of Action adopted by the Group and reproduced in annex I to the report.

316. The study of the problem of discrimination against indigenous populations was very highly praised by the members of the Sub-Commission and by observers, who emphasized its great breadth and its contribution to the international community's awareness of the problem. It was proposed that the study should be printed and publicized as widely as possible. Attention was drawn to the conclusions and recommendations, which were considered particularly valuable. A few speakers elucidated and corrected certain points in the study.

317. The report of the Working Group on Indigenous Populations was also greatly praised and the Group's methods of work were deemed very useful. It was emphasized that a larger number of indigenous organizations had been represented at the Group's third session. A number of speakers took the view that the Working Group should at this stage embark on the formulation of concrete proposals regarding the development of the rules concerning the rights of indigenous populations. Emphasis was laid in particular on the elaboration of rules concerning land ownership. With reference to the question of the definition of indigenous populations, a number of speakers were of the view that a clear distinction should be drawn between the term "minorities" and the term "indigenous populations". It was suggested that more intensive intersessional preparatory work should be undertaken in order to elicit the views of Governments and non-governmental organizations and to prepare consolidated documents for the Group's discussions.

318. Concern was expressed at the difficult and sometimes even degrading situation among indigenous populations in some countries. The Sub-Commission should find ways and means to improve their present situation.

319. A number of speakers expressed their approval in principle for the establishment of a fund to allow indigenous populations to participate in the Group's work. Such a fund should assist those who did not have the financial means to attend the Group's sessions. Adequate participation by indigenous representatives should also be ensured in connection with the administration of the fund.

320. Statements were made by the observers for Australia (31st meeting), Brazil (32nd meeting), Canada (31st and 32nd meetings), Guatemala (32nd meeting), Norway (31st and 32nd meetings) and the United States of America (32nd meeting).

321. The representative of the International Labour Organisation made a statement (32nd meeting). Statements were also made by the representatives of the following non-governmental organizations: Anti-Slavery Society for the Protection of Human Rights (32nd meeting), Four Directions Council (31st meeting), International Indian Treaty Council (32nd meeting), International League for the Rights and Liberation of Peoples (32nd meeting) and Women's International League for Peace and Freedom (32nd meeting).

322. On 29 August 1984, the draft resolutions contained in document E/CN.4/Sub.2/1984/L.41 were submitted by Mr. Alfonso Martínez and Mrs. Daes.

323. At its 37th meeting, on 30 August 1984, the Sub-Commission considered the draft resolutions.

324. At the same meeting, Mr. Joinet proposed amendments to the draft resolutions to delete the word "human" from the fourth preambular paragraph of draft resolution "A" and to replace the words "its forty-first session" by "each of its sessions" in operative paragraph 9 of draft resolution "B". The amendments were accepted by the sponsors.

325. At the same meeting, Mr. Deschênes, Mrs. Gu Yijie, Mr. Martínez Báez and Mr. Mazilu requested that their names be added to the list of sponsors.

326. At the same meeting, a statement of the administrative and programme budget implications was made by the Deputy Director of the Centre for Human Rights.

327. At the same meeting, the draft resolutions, as amended, were adopted without a vote.

328. The text of the resolutions, as adopted, appears in chapter XVIII, section A, as resolutions 1984/35 A to C.

XI. THE NEW INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS

329. The Sub-Commission considered agenda item 11 at its 20th and 34th meetings, on 20 and 29 August 1984.

Study on the right to adequate food as a human right

330. The Sub-Commission had before it the progress report by Mr. Asbjørn Eide on the right to adequate food as a human right (E/CN.4/Sub.2/1984/22 and Add.1-2).

331. Various speakers praised the seriousness with which the Special Rapporteur had approached the subject and considered that the progress report constituted a very positive contribution to the study of this important topic.

332. A number of participants stressed the indivisibility and interdependence of economic, social and cultural rights, on the one hand, and civil and political rights, on the other, as well as the equal juridical weight of both International Covenants on Human Rights in international law. Reference was made to the fundamental interrelationship between the right to life and the right to food. Some members viewed the implementation of economic, social and cultural rights, in particular the right to adequate food, as a prerequisite to securing civil and political rights.

333. One speaker, while appreciating the positive intent of the study, felt that it tended to disregard the juridical differences existing between the two categories of human rights. Civil and political rights could and should be respected immediately, while economic, social and cultural rights, including the right to adequate food, could only be implemented progressively, depending on available resources. In this view, therefore, non-implementation of the right to food should not necessarily give rise to international responsibility of the States concerned.

334. According to various speakers, the inadequate implementation of the right to food, while related sometimes to lack of national efforts or national disasters, was rooted in the unjust economic order still prevailing in the world. The need for increased international solidarity and co-operation to implement the right to food, in accordance with the International Covenant on Economic, Social and Cultural Rights, was stressed by many participants. Some speakers drew attention to inadequate distribution, rather than insufficient production, of food as an important aspect of the problem.

335. The vast potential food resources of the sea-bed were stressed by some participants, who urged ratification of the Convention on the Law of the Sea.

336. The Sub-Commission heard a statement by the representative of the Baha'i International Community, a non-governmental organization.

Technical assistance to strengthen legal institutions

337. Some members underlined the importance of the concept of international technical assistance to strengthen legal institutions and promote human rights, as stressed in Sub-Commission resolution 1983/38 and the Secretary-General's report (E/CN.4/Sub.2/1984/21). Regrets were expressed over the small number of government replies received.

338. References were made, in particular, to the need for legislative assistance, and for the adequate training of judges so as to develop their awareness of human rights and their will to defend them. The UNDP and other agencies of the United Nations system, in co-operation with the Centre for Human Rights, should increase their efforts to make technical assistance available to strengthen legal institutions.

339. On 24 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.19) was submitted by Mr. Al Khasawneh, Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Chowdhury, Mrs. Daes, Mr. Dahak, Mr. Deschênes, Mr. George, Mr. Despouy, Mr. Joinet, Mr. Martínez Báez, Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Roche, Mr. Simpson, Mr. Sofinsky, Mr. Takemoto, Mr. Valdez Baquero, Mr. Whitaker and Mr. Yimer.

340. At the 34th meeting, on 29 August 1984, the draft resolution was considered.

341. At the same meeting, Mr. Bhandare became a sponsor of the draft resolution.

342. At the same meeting, a statement of the administrative and programme budget implications of the draft resolution was read out by the Deputy Director of the Centre for Human Rights.

343. At the same meeting, the draft resolution, as revised, was adopted without a vote.

344. The text of the resolution, as adopted, appears in chapter XVIII, section A, as resolution 1984/15.

345. On 24 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.23) was submitted by Mr. Bossuyt, Mr. Chowdhury, Mr. Dahak and Mr. Deschênes.

346. At the 34th meeting, on 29 August 1984, the draft resolution was introduced by Mr. Bossuyt. Mr. Alfonso Martínez, Mr. Bhandare, Mr. Martínez Báez and Mr. Mazilu became sponsors.

347. At the same meeting, the draft resolution was adopted without a vote.

348. The text of the resolution, as adopted, appears in chapter XVIII, section A, as resolution 1984/19.

XII. SLAVERY AND SLAVERY-LIKE PRACTICES

A. QUESTION OF SLAVERY AND THE SLAVE TRADE IN ALL THEIR PRACTICES AND MANIFESTATIONS, INCLUDING THE SLAVERY-LIKE PRACTICES OF APARTHEID AND COLONIALISM;

B. EXPLOITATION OF CHILD LABOUR

349. The Sub-Commission considered item 12 at its 30th, 36th and 37th meetings held on 27 and 30 August 1984.

350. The Sub-Commission had before it the report on the mission to Mauritania (E/CN.4/Sub.2/1984/23), the report of the Secretary-General pursuant to Commission on Human Rights resolution 1984/40 (E/CN.4/Sub.2/1984/24) and the report of the Working Group on Slavery on its tenth session (E/CN.4/Sub.2/1984/25).

Report of the Working Group on Slavery

351. Introducing the report of the Working Group on Slavery, the Chairman-Rapporteur of the Working Group said that the Working Group had received further information on violence in families which had resulted in the deaths of several women in certain countries and which should be a matter of concern to the United Nations. The Working Group had considered information on various slavery-like situations and the slave trade; female circumcision; servitude of domestic servants; debt bondage; the traffic in persons and the exploitation of the prostitution of others; the exploitation of child labour and the sale of children; and apartheid and colonialism. The Chairman-Rapporteur welcomed the presence of INTERPOL in the Working Group. He expressed his deep appreciation to the Government of Mauritania for its noble and exemplary attitude towards the mission to Mauritania and commended the expert in charge of the mission for the quality of his report. Finally, he expressed the hope that the conclusions and recommendations contained in the Working Group's report, including the suggestion that the Secretary-General should consider the possibility of communicating at the highest level with Governments to urge them to ratify the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, would be adopted by the Sub-Commission.

352. The members of the Sub-Commission who spoke on the item congratulated the Chairman-Rapporteur and the members of the Working Group on their work and on the excellent report transmitted to the Sub-Commission. According to some members, slavery and the slave trade had their roots in the colonial situation, as well is in economic dependence and underdevelopment. Other speakers stressed the fact that such abuses occurred in developing countries and developed countries alike. Attention was drawn to the urgent need to take effective measures to eliminate the exploitation of child labour, debt bondage and the exploitation of the prostitution of others.

353. Some speakers stated that serious violations of the rights of women and children should be dealt with as a matter of priority.

354. There was broad agreement on the conclusions and recommendations contained in the report of the Working Group.

355. The Chairman-Rapporteur of the Working Group thanked the members of the Sub-Commission and the observers for their comments. He noted that the Working Group's report had been the result of the joint efforts of all members of the Group.

Report on the mission to Mauritania

356. At its 30th meeting, the Sub-Commission heard a brief statement by Mr. Bossuyt, the expert in charge of the mission to Mauritania. Introducing the report on the mission to Mauritania, Mr. Bossuyt first described the background to the mission, which had been granted extensive facilities by the Government of Mauritania and which had consulted the members of that Government and representatives of several groups in various parts of the country. He also drew attention to the observations he had made in the report and stressed the fact that the Government of Mauritania should be encouraged to intensify its efforts.

357. The observer for Mauritania said that the expert's report demonstrated Mauritania's willingness and the Sub-Commission's determination to work together to find appropriate solutions to those problems. His country had, moreover, adopted a clear-cut policy on the question of slavery. He stated that the report bore witness to the Sub-Commission's effectiveness and the ability and merit of the expert who had been in charge of the mission. Lastly, he explained that the Government of Mauritania was determined to eradicate the consequences of slavery. The Sub-Commission should take account of that policy and of the economic and social problems which Mauritania faced.

358. Several speakers congratulated Mr. Bossuyt on his excellent report and expressed their appreciation to the Government of Mauritania for its positive and instructive attitude in that regard. It was stated that the case of Mauritania should serve as a model and that the international community should take immediate effective action to eliminate all vestiges of slavery.

359. The expert thanked the members of the Sub-Commission and the observers for their comments. He requested that the report should be transmitted to the Government of Mauritania and to other United Nations bodies. The success of the mission would depend on the follow-up to the report.

360. The following non-governmental organizations made statements on the item: Anti-Slavery Society, International Federation of Women in Legal Careers, International Abolitionist Federation, Minority Rights Group and International Movement for Fraternal Union among Races and Peoples.

361. On 28 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.35) was submitted by Mr. Al Khasawneh, Mr. Chowdhury, Mr. Dahak, Mr. George, Mr. Joinet, Mr. Khalifa, Mr. Martínez Báez, Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Roche, Mr. Simpson, Mr. Takemoto, Mr. Uribe Portocarrero, Mr. Valdez Baquero, Mr. Whitaker and Mr. Yimer.

362. At its 36th meeting, on 30 August 1984, the Sub-Commission considered the draft resolution. Mrs. Daes became a co-sponsor of the draft resolution.

363. At the same meeting, a statement of the administrative and programme budget implications was made by the Deputy Director of the Centre for Human Rights.

364. At the same meeting, the draft resolution was adopted without a vote.

365. The text of the resolution appears in chapter XVIII, section A, as resolution 1984/28.

366. On 29 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.39) was submitted by Mr. Al Khasawneh and Mr. Whitaker.

367. At its 37th meeting, on 30 August 1984, the Sub-Commission considered the draft resolution and adopted it without a vote.

368. The text of the resolution appears in chapter XVIII, section A, as resolution 1984/33.

XIII. ENCOURAGEMENT OF UNIVERSAL ACCEPTANCE OF HUMAN RIGHTS INSTRUMENTS

369. The Sub-Commission considered agenda item 13 at its 35th and 37th meetings on 29 and 30 August 1984.

370. The Sub-Commission had before it the following documentation: (a) a note by the Secretary-General containing a summary of the information submitted by Governments, in accordance with Sub-Commission resolutions 1 B (XXXII), 1982/3 and 1983/27 (E/CN.4/Sub.2/1984/27); (b) a note by the Secretary-General containing additional information submitted by Governments in accordance with Sub-Commission resolution 1983/27 (E/CN.4/Sub.2/1984/39); and (c) the report of the sessional Working Group on the Encouragement of Universal Acceptance of Human Rights Instruments (E/CN.4/Sub.2/1984/26).

371. In accordance with its resolution 1 B (XXXII) of 5 September 1979, the Sub-Commission, at its 3rd meeting held on 7 August 1984, established a sessional Working Group on the Encouragement of Universal Acceptance of Human Rights Instruments, consisting of Mr. M. Bossuyt, Mrs. Gu Yije, Mr. C.L. Mubanga-Chipoya, Mr. I. Toševski and Mr. Antonio José Uribe Portocarrero, Mr. Bossuyt was re-elected Chairman/Rapporteur of the Working Group.

372. At the 35th meeting of the Sub-Commission, the Chairman/Rapporteur of the sessional Working Group introduced the report of the Group. He drew the attention of the Sub-Commission to certain parts of the report, and explained, in particular, that the Group had examined all the replies received from Governments and had recommended the inclusion of the two Protocols Additional to the Geneva Conventions of 1949 in the list of human rights instruments under its terms of reference.

373. Members of the Sub-Commission commended and welcomed the report of the sessional Working Group. The recommendation to include the two Protocols Additional to the Geneva Conventions of 1949 was supported, and the view was expressed that the Convention relating to the Status of Refugees should also be included in the list of international human rights instruments.

374. A member suggested that the time may have come for the Sub-Commission to discontinue the work of the sessional Working Group on the Encouragement of Universal Acceptance of Human Rights Instruments, and to entrust the same responsibility to a designated member of the Sub-Commission who would prepare annually a report on the status of ratifications of the instruments for consideration by the Sub-Commission at future sessions. Another member supported that suggestion, but considered that the task of reporting annually to the Sub-Commission on the status and progress of ratification of, or accessions to, international human rights instruments could best be entrusted to the Secretary-General instead of a designated member.

375. On 29 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.44) was submitted by Mr. Bossuyt.

376. At its 37th meeting, on 30 August 1984, the Sub-Commission considered the draft resolution. Mr. Alfonso Martínez became a sponsor of the draft resolution.

377. At the same meeting, Mr. Joinet proposed an insertion of a new paragraph as the last operative paragraph of the draft resolution, which read as follows:

> "10. Decides to suspend the work of the Working Group at its thirty-eighth session and to request the Chairman of the Sub-Commission to appoint at its thirty-eighth session one of its members to report to it at the said session on information received under the present resolution."

378. At the same meeting, the amendment proposed by Mr. Joinet was adopted by 14 votes to 1, with 2 abstentions.

379. At the same meeting, Mr. Bossuyt orally revised paragraph 6 by replacing the words "to consider the possibility" by "to examine the idea".

380. At the same meeting, Mr. Sofinsky proposed the deletion of paragraph 6, which was rejected by 8 votes to 4, with 4 abstentions.

381. At the same meeting, the draft resolution, as amended, as a whole, was adopted by 18 votes to 1, with 1 abstention.

382. The text of the resolution, as adopted, appears in chapter XVIII, section A, as resolution 1984/36.

XIV. ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION AND BELIEF

383. The Sub-Commission considered item 14 of its agenda at its 32nd, 33rd and 36th meetings, on 28 and 30 August 1984.

384. The Sub-Commission had before it the preliminary report prepared by Mrs. Odio-Benito, Special Rapporteur (E/CN.4/Sub.2/1984/28).

385. The item was introduced by the Assistant Secretary-General for Human Rights, at the 32nd meeting.

386. At the same meeting, the Special Rapporteur introduced her preliminary report. She outlined the historical background of the subject-matter and paid special tribute to the previous study prepared by Mr. Krishnaswami and presented to the Sub-Commission in 1959. She stressed the importance of the item for the work of the Sub-Commission in promoting and protecting human rights and stated that she wanted to prepare a detailed analysis of the subject-matter based on Mr. Krishnaswami's report and the mandate given to her by resolution 1983/31 of the Sub-Commission and resolution 1984/39 of the Economic and Social Council, taking into account all information received by the Special Rapporteur. Referring to the proposed outline for the final report contained in her preliminary report, the Special Rapporteur underlined that when drafting the recommendations she would pay attention to educational measures to be taken at the national and international levels. As regards the questionnaire attached to the preliminary report, the Rapporteur expressed the hope that the discussion in the Sub-Commission would serve to improve the questionnaire which could then be sent to Governments, specialized agencies, intergovernmental and non-governmental organizations inviting their views and observations. In conclusion, the Special Rapporteur said that freedom of religion or belief could not be separated from other rights and freedoms, for religion or belief were always linked to the political, economic, social and cultural life of peoples. When studying the right to freedom of religion or belief, all the human rights and freedoms in their close interrelationship should be under consideration.

387. Members who spoke on this item expressed their appreciation to the Special Rapporteur for her preliminary report and the introductory statement. One member underlined the importance and complexity of the study. He emphasized the need for complete objectivity and for examining all the aspects of the subject, taking into account the existing social systems as well as existing forms of religious radicalism and situations based on religious exclusivism. Another member held the view that the relationship between State and Church in its different forms and the multi-faceted relations between different religious groups and communities had great importance and should be considered in the study. He suggested that the Special Rapporteur might wish to examine the documentation of the international seminar on this subject held in Nice in 1981. Another member, referring to alleged violations of the right to freedom of religion and belief in various parts of the world, expressed the hope that the report would help persuade Governments to implement the fundamental guarantees against discrimination based on religion or belief.

388. In her concluding remarks, the Special Rapporteur thanked the members for their comments and stated that she intended to give them careful consideration. She requested the members, other participants in the session and organizations with special interest in this field to provide her with all available material which they might consider relevant to the study.

389. A statement was made by the observer for Israel (33rd meeting). The Sub-Commission heard statements by the representatives of the following non-governmental organizations: Baha'i International Community (33rd meeting), Four Directions Council (33rd meeting), International League for Human Rights (33rd meeting), Women's International Zionist Organizations (33rd meeting), World Association for the School as an Instrument of Peace (33rd meeting), World Jewish Congress and the Co-ordinating Board of Jewish Organizations (33rd meeting).

390. On 29 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.43) was submitted by Mr. Roche.

391. At the 36th meeting, on 30 August 1984, a statement of the administrative and programme budget implications was made by the Deputy Director of the Centre for Human Rights.

392. At the same meeting, the draft resolution was adopted without a vote.

393. The text of the resolution appears in chapter XVIII, section A, as resolution 1984/31.

XV. PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS

A. THE STATUS OF THE INDIVIDUAL AND CONTEMPORARY INTERNATIONAL LAW

B. DRAFT BODY OF PRINCIPLES AND GUIDELINES ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

C. OTHER MATTERS: PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

(a) The status of the individual and contemporary international law

394. The Sub-Commission considered agenda item 15 (a) at its 6th, 7th, 8th, 9th and 33rd meetings on 8, 9, 10 and 28 August 1984.

395. It had before it the progress report (E/CN.4/Sub.2/1984/29) by Mrs. Erica A. Daes, entitled "Status of the individual and contemporary international law".

396. Introducing her report and its provisional list of contents, the Special Rapporteur said that she had not been able to submit her final report at the present session because the replies of the Governments and organizations concerned to her questionnaire, on which she should base her study in accordance with her terms of reference, had been received late by the Centre for Human Rights. She added that she had still not received replies from Governments whose delegations had suggested that the study should be comparative and should take into account the doctrines and practices existing in various legal systems in the world. That was why she was submitting a progress report at the present session in the hope that members of the Sub-Commission and the organizations concerned would put forward suggestions which would enable her to continue her work and thus be in a position to submit her final report to the Sub-Commission at its thirty-eighth session.

397. The Special Rapporteur was of the opinion that the still ambiguous relationship between the individual and contemporary international law was becoming clearer as the international community became increasingly aware of the fundamental human values which underpinned domestic laws as well as the law of nations. She considered that international law was going through a transitional period at the end of which the individual would be recognized as a subject of rights and duties derived directly from international law, quite apart from domestic law. Her study sought to promote respect for human rights during this transitional period and its paramount objective would be to highlight and to strengthen the means of defence available to individuals, including their procedural capacity, within the framework of international human-rights law. In this respect, the Special Rapporteur considered that her study would be of great practical value and would contribute to strengthening the foundation for the protection and restoration of human rights at the national and international levels.

398. During the discussion of the item all speakers paid tribute to the outstanding ability of the Special Rapporteur and congratulated her on the progress report she had submitted to the Sub-Commission. Several speakers expressed the opinion that the study marked an important stage in the development of international law. They considered that since the Second World War, international law was no longer limited to relations between States, and the importance of the individual as a subject of law was growing. Some speakers said that the traditional concept of international law as being exclusively concerned with relations between States, thus according a privileged place to the notion

of the sovereignty of States, was perhaps one of the main obstacles to the promotion of human rights, as shown, in their opinion, by the case of South Africa. Several speakers considered it essential to widen and to assert the right of access of individuals to international organs to obtain effective remedies for violations of human rights attributable to States.

399. While expressing their appreciation of the progress report and expressing their great interest in the subject, various other speakers emphasized that in their opinion international law was and should remain essentially an inter-State system. In their opinion, States were the expression of organized national societies which guaranteed individual rights, and unduly to weaken them would only lead to giving power that might be excessive to various supra-national bodies too far removed from the needs of the individual, and to strengthening the freedom of action of multinational commercial corporations which ran counter to the promotion of human rights.

400. Many speakers commented on specific aspects of the progress report. Some of them thought that the planned sections of the final study on the historical background of the problem and the exposition of the various doctrines of international law could be shortened, so as to avoid overlapping with the activities of the International Law Commission and to keep the length of the study within reasonable limits. Others thought that problems like the status of individuals in traditional treaties of commerce and navigation should be taken into consideration. It was also suggested, in particular, that account should be taken of the procedure for dealing with communications established by resolution 1503 (XLVIII) of the Economic and Social Council, as well as of new procedures giving access to the individual to international organs such as those provided for in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination and by the Convention on the Elimination of All Forms of Discrimination against Women. It was further suggested that the innovative procedures of the American Convention on Human Rights should be mentioned; that due attention should be paid to the problem of Statelessness; that legal persons should be included in the concept of "individuals" in the context of the study; and that slavery, the slave trade, genocide and apartheid, as well as the organized traffic in drugs, should be listed among the international crimes referred to in chapter 5 of the study.

401. One speaker thought that the history and various theories of international law was essential for the study. He suggested that the theory of Islamic law as well as the practice of Islamic States as represented by the numerous treaties among Moslim States on the one hand and Moslim States and others provided rich material from which the Special Rapporteur could draw for her study.

402. The Special Rapporteur expressed her appreciation of the constructive views put forward during the discussion and said that she would take them fully into consideration when drafting the final report.

403. Statements were made by the observer for Israel, and the representatives of the Pan-Africanist Congress of Azania, a liberation movement and of the following non-governmental organizations: Baha'i International Community, International Movement for Fraternal Union among Races and Peoples.

404. On 16 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.2) was submitted by Mr. Bhandare, Mr. Bossuyt, Mr. Chowdhury, Mr. Martínez Báez, Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Whitaker and Mr. Yimer.

405. At the 33rd meeting, on 28 August 1984, the draft resolution was introduced by Mr. Mubanga-Chipoya.

406. At the same meeting, on the proposal by Mr. Sofinsky, the Sub-Commission decided, by 10 votes to 7, with 4 abstentions, to replace the paragraphs referring to and containing the draft resolutions recommended to the Commission on Human Rights and the Economic and Social Council for adoption by the following two operative paragraphs:

> "2. *Requests* the Special Rapporteur to continue her work on the above-mentioned study with a view to submitting her final report to the Sub-Commission during its thirty-eighth session;
>
> "3. *Requests* the Secretary-General to give the Special Rapporteur all the assistance she may require to carry out her work.

407. At the same meeting, a statement of the administrative and programme budget implications of the draft resolution was made by the Deputy Director of the Centre for Human Rights.

408. At the same meeting, the draft resolution, as amended, was adopted without a vote.

409. The text of the resolution, as adopted, appears in chapter XVIII, section A, as resolution 1984/2.

(b) Draft body of principles and guidelines on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms

410. The Sub-Commission considered item 15 (b) at its 9th and 33rd meetings on 10 and 28 August 1984. It had before it the progress report submitted by Mrs. Erica A. Daes, Special Rapporteur (E/CN.4/Sub.2/1984/30).

411. Introducing her report, Mrs. Daes said that she had received only seven replies from Governments to her questionnaire concerning her study. She therefore considered it appropriate to propose that the submission of the final report and principles should be postponed to the thirty-eighth session of the Sub-Commission, whatever the number of replies received. Furthermore, Mrs. Daes said she would also take into consideration various United Nations studies and reports, in particular the preliminary report by the Secretary-General (E/CN.4/Sub.2/1982/12), the study on the individual's duties to the community (E/CN.4/Sub.2/432/Rev.2), as well as other sources, especially studies by experts and scholars of established reputation. She stressed the need to send reminders in order to obtain further replies.

412. During a brief discussion, great appreciation was expressed to the Special Rapporteur for her statement, and emphasis was placed upon the breadth and the great complexity of the study, which required much research. It was therefore important to allow the Special Rapporteur the necessary freedom of action to carry out her task under her terms of reference. Some speakers expressed the wish that in their final stages the study on the status of the individual and contemporary international law and the study on the draft body of principles and guidelines on the right and responsibility to promote and protect human rights should be considered together since coneptually they were closely related.

413. The Special Rapporteur thanked the speakers for their comments. She said that she would take them fully into consideration in the preparation of the two studies which, in her opinion, should remain separate in spite of the fact that they were interrelated in various ways.

414. On 20 August 1984, a draft resolution (E/CN.4/Sub.2/1984/L.3) was submitted by Mr. Al Khasawneh, Mr. Bhandare, Mr. Dahak, Mr. Deschênes, Mr. Joinet and Mr. Roche.

415. At the 33rd meeting, on 28 August 1984, the draft resolution was introduced by Mr. Roche.

416. At the same meeting, on the proposal by Mr. Sofinsky, the Sub-Commission decided without a vote to replace the third and fourth preambular paragraphs and the paragraphs referring to and containing the draft resolutions recommended to the Commission on Human Rights and the Economic and Social Council for adoption by the following text:

> "Expressing its appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes for her preliminary report and the important work she has so far accomplished in connection with the elaboration of a study and a draft body of principles and guidelines on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,
>
> "1. Requests the Special Rapporteur to continue her work on the above-mentioned study and the draft body of principles and guidelines with a view to submitting her final report to the Sub-Commission at its thirty-eighth session;
>
> "2. Requests the Secretary-General to transmit as soon as possible a reminder with copies of the relevant questionnaire to Governments, specialized agencies and other United Nations organizations, regional organizations, intergovernmental organizations and non-governmental organizations which have not yet replied to the questionnaire, to submit, if they wish to do so, their comments, views and information to the Special Rapporteur;
>
> "3. Requests also the Secretary-General to give the Special Rapporteur all the assistance she may require to carry out her work."

417. At the same meeting, a statement of the administrative and programme budget implications was made by the Deputy Director of the Centre for Human Rights.

418. At the same meeting, the draft resolution, as amended, was adopted without a vote.

419. The text of the resolution, as adopted, appears in chapter XVIII, section A, as resolution 1984/3.

(c) Other matters: prevention of discrimination and protection of minorities

420. At its 6th meeting, on 13 August 1984, the Sub-Commission requested Mr. Deschênes to prepare guidelines on this question for its discussion at a later stage in the session.

421. The Sub-Commission considered item 15(c) at its 30th meeting, held on 27 August 1984.

422. The Sub-Commission had before it a note by the Secretary-General on "Other matters: Prevention of discrimination and protection of minorities" (E/CN.4/Sub.2/1984/31).

423. Mr. Deschênes, the expert appointed to look into the question of defining the term "minority", reminded the Sub-Commission that, in resolution 1984/62 of 15 March 1984, the Commission on Human Rights requested the Sub-Commission to prepare a definition of the term "minority" in relation to article 27 of the International Covenant on Civil and Political Rights. The Commission on Human Rights and the working group on persons belonging to minority groups had not agreed on a definition of the term "minority". Referring to earlier studies and to the comments made on this question, the expert suggested the elimination from any definition of "minority" of the terms "indigenous populations", "non-citizens" and matters concerning the relationships between the individual and the group to which he belongs. Analysing the various definitions proposed for the term "minority", the expert proposed the following definition:

> "A group numerically smaller than the rest of the population of a State, in a non-dominant position, whose members - being citizens of the State - possess ethnic, religious or linguistic characteristics differing from those of the other members of the population and show, if only implicity, a sense of solidarity, directed towards preserving their culture, traditions, language or religion".

424. Following a brief discussion, one member of the Sub-Commission suggested, in accordance with rule 49 of the rules of procedure, that the debate should be adjourned until next year for reasons of time.

425. The members of the Sub-Commission decided in favour of adjournment of the debate on this question by 15 votes to 4, with 2 abstentions.

426. The text of the decision appears in chapter XVIII, section B, as decision 1984/101.

XVI. CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION AND OF THE DRAFT PROVISIONAL AGENDA FOR THE THIRTY-EIGHTH SESSION OF THE SUB-COMMISSION

427. The Sub-Commission considered its agenda item 16 at its 38th meeting, on 31 August 1984.

428. The Sub-Commission had before it the following documents in connection with its consideration of the item:

(a) a discussion paper prepared by Mr. Toševski (E/CN.4/Sub.2/1984/32) in accordance with Sub-Commission decision 1984/9;

(b) a note prepared by the Secretary-General (E/CN.4/Sub.2/1984/L.48) in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) of 1 August 1974, containing a draft provisional agenda for the thirty-eighth session of the Sub-Commission and listing the documents to be submitted under each item and the legislative authority for their preparation.

429. At its 34th meeting on 29 August 1984 the Sub-Commission had adopted resolution 1984/20 in which it decided to inscribe in the agenda of its thirty-eighth session a new item, "Human rights and disability".

430. At the 38th meeting, on 31 August 1984, referring to the future work of the programme of the Sub-Commission and its draft provisional agenda (E/CN.4/Sub.2/1984/L.48), Mr. Whitaker proposed the inclusion of the following sub-items under item 15 (Promotion, protection and restoration of human rights at national, regional and international levels);

(d) Prevention of Discrimination and protection of children;

(e) Prevention of Discrimination and protection of women.

431. At the same meeting, this proposal was adopted without a vote.

432. At the same meeting, Mrs. Daes proposed the adoption of a new item 7, entitled "The gross violations of human rights and international peace", and the deletion of sub-item 7 (b): "The effects of gross violations of human rights on international peace and security", which was adopted without a vote.

433. At the same meeting, the draft provisional agenda (E/CN.4/Sub.2/1984/L.48), as amended, was adopted without a vote.

434. The text of the draft provisional agenda, as amended, for the thirty-eighth session of the Sub-Commission reads as follows:

1. Election of officers

2. Adoption of the agenda

3. Review of the work of the Sub-Commission

   Report by the Secretary-General

   Report of the Working Group

   Legislative authority: Sub-Commission decision 2 (XXXIV) and Sub-Commission resolution 1984/37

4. Review of further developments in fields with which the Sub-Commission has been concerned

Reports by the Secretary-General, ILO and UNESCO

Report by Mr. Whitaker

Legislative authority: Sub-Commissions resolutions 5 (XIV) and 1984/1

5. Elimination of racial discrimination

(a) Measures to combat racism and racial discrimination and the role of the Sub-Commission

Report by the Secretary-General

Report by Mr. Eide

Legislative authority: General Assembly resolution 3377 (XXX) and Sub-Commission resolution 1984/5

(b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa

Report by Mr. Khalifa

Legislative authority: Sub-Commission resolution 1984/4

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: Report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

Report by Mr. Mubanga-Chipoya

Legislative authority: Sub-Commission resolution 1984/21

7. The gross violations of human rights and international peace

Report by the Secretary-General

Legislative authority: Sub-Commission resolution 1984/30

8. Communications concerning human rights: Report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

Confidential report of the Working Group and supporting papers.

Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolutions 1 (XXIV) and 2 (XXIV)

9. The administration of justice and the human rights of detainees

(a) Question of human rights of persons subjected to any form of detention and imprisonment

Reports by the Secretary-General

Report by Mr. Bossuyt

Report by Mr. Joinet

Report of the Working Group

Legislative authority: Sub-Commission resolutions 1984/7, 1984/8, 1984/9, 1984/10, 1984/13, 1984/16

(b) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

(c) Study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

Report by Mr. Singhvi

Legislative authority: Sub-Commission resolution 1984/11

(d) Implementation of the right to derogation provided for under article 4 of the International Covenant on Civil and Political Rights and violations of human rights

Report by Mr. Despouy

Legislative authority: Sub-Commission resolution 1984/27

10. Human rights and scientific and technological developments

Report of the Working Group

Report by Mr. Joinet

Report by Mr. Dahak

Legislative authority: Sub-Commission resolutions 1984/12 and 1984/17

11. Study of the problem of discrimination against indigenous populations

Report of the Working Group

Legislative authority: Sub-Commission resolution 1984/35

12. The New International Economic Order and the promotion of human rights

Report by Mr. Eide

Report by the Secretary-General

Legislative authority: Sub-Commissions resolutions 1984/15 and 1984/19

13. Slavery and slavery-like practices

(a) Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism

Report by the Working Group on Slavery on its eleventh session

Report by Mr. Bossuyt

Legislative authority: Sub-Commission resolution 11 (XXVII) and 1984/28

(b) Exploitation of child labour

14. Encouragement of Universal Acceptance of Human Rights Instruments

Report by the Secretary-General

Legislative authority: Sub-Commission resolutions 1 B (XXXII) and 1984/36

15. Elimination of all forms of intolerance and of discrimination based on religion or belief

Report by Mrs. Odio Benito

Legislative authority: Sub-Commission resolution 1984/31

16. Promotion, protection and restoration of human rights at national, regional and international level

(a) The status of the individual and contemporary international law

Report by Mrs. Daes

Legislative authority: Sub-Commission resolution 1984/2

(b) Draft body of principles and guidelines on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms

Report by Mrs. Daes

Legislative authority: Sub-Commission resolution 1984/3

(c) Prevention of discrimination and protection of minorities

Paper by Mr. Deschênes

Legislative authority: Sub-Commission decision 1984/101

(d) Prevention of discrimination and protection of children

(e) Prevention of discrimination and protection of women

17. Human rights and disability

Report by Mr. Despouy

Legislative authority: Sub-Commission resolution 1984/20

18. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirty-ninth session of the Sub-Commission

A note by the Secretary-General.

19. Report of the thirty-eighth session

Report of the Sub-Commission on its thirty-eighth session.

435. The question of the dates for the holding of the thirty-eighth session of the Sub-Commission was discussed.

436. At its 38th meeting, on 31 August 1984, the Sub-Commission decided without a vote to adopt a schedule similar to that of the thirty-seventh session.

437. The text of the decision appears in chapter XVIII, section B, as decision 1984/103.

XVII. ADOPTION OF THE REPORT

438. At its 39th meeting, on 31 August 1984, the Sub-Commission considered the draft report of the work of the thirty-seventh session.

439. At the same meeting, the draft report, as amended during the course of discussion, was adopted, as a whole, without a vote.

XVIII. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS THIRTY-SEVENTH SESSION

A. Resolutions

1984/1 Review of further developments in the fields with which the Sub-Commission has been concerned 31/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having discussed the preliminary revised and updated report 32/ on the question of the prevention and punishment of the crime of genocide, submitted by the Special Rapporteur, Mr. Benjamin Whitaker,

Expressing its thanks to the Special Rapporteur for his work in preparing the preliminary report,

1. Requests the Special Rapporteur to continue his work and to submit the final report to the Sub-Commission, at its thirty-eighth session;

2. Requests the Secretary-General to provide all possible assistance to the Special Rapporteur so as to facilitate his work;

3. Decides to consider the above-mentioned report at its thirty-eighth session, under the agenda item "Review of further developments in fields with which the Sub-Commission has been concerned".

1984/2 The status of the individual and contemporary international law 33/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling resolution 18 (XXXVII) of the Commission on Human Rights by which the Commission recommended to the Economic and Social Council that it authorize the Sub-Commission to appoint Mrs. Erica-Irene A. Daes as Special Rapporteur with the mandate of undertaking a study on the topic entitled "The status of the individual and contemporary international law",

Recalling also its resolution 1983/17 of 5 September 1983 and Commission on Human Rights resolution 1984/41 of 12 March 1984,

Having heard the introductory statement of the Special Rapporteur outlining the study and analysing its basic purpose, practical usefulness and table of contents,

Having considered the progress report 34/ submitted by the Special Rapporteur, Mrs. Erica-Irene A. Daes,

1. Expresses its appreciation to the Special Rapporteur for her progress report, 35/

31/ Adopted at the 33rd meeting, on 28 August 1984, without a vote. See chap. IV.

32/ E/CN.4/Sub.2/1984/40.

33/ Adopted at the 33rd meeting, on 28 August 1984, without a vote. See chap. XV.

34/ E/CN.4/Sub.2/1984/29.

35/ Ibid.

2. Requests the Special Rapporteur to continue her work on the above-mentioned study with a view to submitting her final report to the Sub-Commission during its thirty-eighth session;

3. Requests the Secretary-General to give the Special Rapporteur all the assistance she may require to carry out her work.

1984/3 Draft body of principles and guidelines on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms [36]

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1982/24 of 8 September 1982 and 1983/40 of 7 September 1983 by which it requested Mrs. Erica-Irene A. Daes to prepare a draft body of principles and guidelines on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Recalling also Commission on Human Rights resolution 1984/56 of 15 March 1984 on the above-mentioned topic,

Expressing its appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes for her preliminary report [37] and the important work she has so far accomplished in connection with the elaboration of a study and a draft body of principles and guidelines on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

1. Requests the Special Rapporteur to continue her work on the above-mentioned study and the draft body of principles and guidelines with a view to submitting her final report to the Sub-Commission at its thirty-eighth session;

2. Requests the Secretary-General to transmit, as soon as possible a reminder with copies of the relevant questionnaire to Governments, specialized agencies and other United Nations organizations, regional organizations, intergovernmental organizations and non-governmental organizations which have not yet replied to the above-mentioned questionnaire, to submit, if they wish to do so, their comments, views and information to the Special Rapporteur;

3. Requests also the Secretary-General to give the Special Rapporteur all the assistance she may require to carry out her work.

1984/4 Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa [38]

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having noted with satisfaction the updated report [39] submitted by the Special Rapporteur, Mr. Ahmed Khalifa,

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[36] Adopted at the 33rd meeting, on 28 August 1984, without a vote. See chap. XV.

[37] E/CN.4/Sub.2/1984/30.

[38] Adopted at the 33rd meeting, on 28 August 1984, by 19 votes to none, with 1 abstention. See chap. V.

[39] E/CN.4/Sub.2/1984/8 and Add. 1-2.

1. *Invites*, in accordance with resolution 1984/6 of 28 February 1984 of the Commission on Human Rights and decision 1984/130 of 24 May 1984 of the Economic and Social Council, the Special Rapporteur, Mr. Ahmed Khalifa:

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist and colonialist regime of South Africa, giving such details regarding enterprises listed as the Rapporteur may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report through the Sub-Commission to the Commission on Human Rights;

(b) To use all available material from other United Nations organs, Member States, specialized agencies and other intergovernmental organizations, non-governmental organizations and other relevant sources in order to indicate the volume and nature of the assistance given to the racist regime in South Africa;

(c) To initiate direct contacts with the United Nations Centre on Transnational Corporations and the Centre against *Apartheid* of the Secretariat with a view to consolidating mutual co-operation in updating his report;

2. *Welcomes* Commission on Human Rights resolution 1984/6 in which the Commission, *inter alia*, called once again upon all Governments that have not yet done so, to take legislative, administrative and other measures, in respect of their nationals and the bodies corporate under their jurisdiction that own and operate enterprises in South Africa and Namibia, with a view to putting a stop to their trading, manufacturing and investing activities in South Africa, as well as on the territory of Namibia illegally occupied by the racist Pretoria regime;

3. *Decides* to consider the item entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa" as a matter of high priority at its thirty-eighth session;

4. *Recommends* to the Commission on Human Rights the adoption of the following resolution:

[For the text, see chap. I, sect. A, draft resolution I]

1984/5 *Measures to combat racism and racial discrimination and the role of the Sub-Commission* 40/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing that a priority task of the Sub-Commission is to submit proposals to the Commission on Human Rights on principles and measures for the elimination of racism and racial discrimination,

Noting the Programme of Action adopted by the Second World Conference to Combat Racism and Racial Discrimination and the plan of activities to be undertaken for the period 1985-1989, as proposed by the Secretary-General in accordance with General Assembly resolution 38/14 of 22 November 1983, in connection with the Second Decade to Combat Racism and Racial Discrimination.

40/ Adopted at the 33rd meeting, on 28 August 1984, without a vote. See chap. V.

Recalling its resolution 1983/10 of 5 September 1983 in which the Sub-Commission had in particular endorsed the proposed series of studies and seminars contained in the Programme of Action adopted by the Second World Conference,

Noting with satisfaction Economic and Social Council resolution 1984/24 of 24 May 1984, which authorized the Sub-Commission to entrust Mr. Asbjørn Eide with carrying out a study on the achievements made and obstacles encountered during the Decade for Action to Combat Racism and Racial Discrimination,

1. Recommends the implementation of the suggestions concerning education, teaching, training, dissemination of information, research, studies and advisory services contained in the draft plan of activities for the period 1985-1989; [41]

2. Emphasizes the need, in the preparation of any teaching materials and teaching aids against racism and racial discrimination, to give special attention to activities at the primary and secondary levels of education designed to remove derogatory references to race and xenophobia from all educational literature;

3. Decides to consider at its thirty-eighth session the question of its contribution to the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination;

4. Draws attention to the fact that in a number of countries organizations founded on racism and preaching violence against one race or races continue to exist and expresses the wish that vigorous and effective and legal measures be taken against all the racist activities of such organizations.

1984/6 Question of the violation of human rights and fundamental freedoms: The situation in Afghanistan [42]

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Alarmed by continuing reports of grave human rights violations and sufferings in Afghanistan,

Gravely concerned by the systematic and continued bombardment of civilian targets in Afghanistan and the human and material losses inflicted on the people of Afghanistan, and on refugee camps in Pakistan,

1. Requests the Commission on Human Rights urgently to call on the authorities in Afghanistan to put an end to the bombardment of the civilian population;

2. Further requests the Commission on Human Rights to ask its Special Rapporteur on Afghanistan also to investigate the human and material losses resulting from the recent bombardments of the civilian population and to include his findings in his report to the Commission.

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[41] A/39/167.

[42] Adopted at the 33rd meeting, on 28 August 1984, by 13 votes to 4, with 2 abstentions. See chapter VI.

1984/7 The administration of justice and the human rights of detainees:

Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty 43/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly decision 35/437 of 15 December 1980 and General Assembly resolutions 36/59 of 25 November 1981 and 37/192 of 18 December 1982 concerning the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

Mindful of Commission on Human Rights resolution 1984/19 of 6 March 1984, in which the Commission invited the Sub-Commission to consider the idea of elaborating a draft of a second optional protocol and to submit its views thereon to the Commission at its forty-first session,

Taking note of the draft of the second optional protocol and the pertinent documents from the General Assembly and the Commission on Human Rights transmitted to the Sub-Commission,

Having had a preliminary exchange of views on the question of the elaboration of a second draft optional protocol,

1. *Decides* to continue the consideration of this question at its thirty-ninth session under a sub-item to the agenda item "The Administration of Justice and the Human Rights of Detainees", entitled "Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty";

2. *Recommends* to the Commission on Human Rights the adoption of the following resolution:

[For the text, see chap. I, sect. A, draft resolution II]

1984/8 The administration of justice and the human rights of detainees: Question of human rights of persons subjected to any form of detention and imprisonment 44/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind its resolution 1983/34 of 6 September 1983 approving the preparation of a study on amnesty laws and their role in the protection and promotion of human rights,

1. *Expresses* its appreciation to the Special Rapporteur, Mr. L. Joinet, for his preliminary report and the importance and usefulness of the excellent work he has so far accomplished;

43/ Adopted at the 33rd meeting, on 28 August 1984, without a vote. See chapter VIII.

44/ Adopted at the 33rd meeting, on 28 August 1984, without a vote. See chapter VIII.

2. Requests the Special Rapporteur to continue to work on the study with a view to submitting his final report to the Sub-Commission at its thirty-eighth session;

3. Further requests the Secretary-General to address reminders to Governments, specialized agencies, regional organizations, intergovernmental organizations and non-governmental organizations which have not yet responded to the Secretary-General's letter of 2 December 1983, asking them to communicate to the Special Rapporteur, if they so wish, their observations and views and documents relating to amnesty laws.

1984/9 The administration of justice and the human rights of detainees: The state of siege in Paraguay 45/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind the conclusions of the Special Rapporteur of the Sub-Commission on the status of human rights in situations of state of siege or emergency according to which the permanence of the state of siege may be an important cause of the degradation of human rights in a country.

Recalling that by resolution 1984/46 of 13 March 1984 the Commission on Human Rights endorsed the resolution 1983/28 of 6 September 1983 by which the Sub-Commission requested the Commission to invite the Paraguayan Government to consider ending the state of siege, in force for the past thirty years in order to encourage the promotion of, and the respect for human rights in the country.

Being aware that the state of siege is being used in Paraguay on a permanent basis through its extension every three months since 1954,

Taking note of the statements made by the Paraguayan Government, before the Commission on Human Rights at its fortieth session about an eventual project for the abrogation of the state of siege in that country.

Considering that this measure could be strongly facilitated by an amnesty which, by allowing the liberation of the political prisoners and the return of those in exile, would mean full observance of article 21 of the Universal Declaration of Human Rights,

1. Requests the Commission on Human Rights to recommend to the Government of Paraguay to persevere in its aim to co-operate with the Commission with a view to ending the state of siege, and to consider enacting a measure of amnesty allowing the participation of all in the public affairs of the country;

2. Also requests the Secretary-General to transmit to the Sub-Commission at its thirty-eighth session information available concerning new developments on the question of putting an end to the state of siege in Paraguay.

45/ Adopted unanimously at the 33rd meeting, on 28 August 1984, by 19 votes to none, with no abstentions. See chap. VIII.

1984/10 The administration of justice and the human rights of detainees 46/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1983/24 of 5 September 1983 by which it asked the Secretary-General to address a note verbale to Governments and a letter to specialized agencies, regional organizations, and non-governmental organizations requesting their views and comments, and to prepare, for presentation to the Sub-Commission during its thirty-seventh session, an analysis of state policies and practices regarding restraints on the use of force by law enforcement officials and military personnel based on these replies,

Expressing its appreciation to the Secretary-General for the report 47/ prepared on the basis of replies received from eleven Governments, four specialized agencies, one regional intergovernmental organization, and two non-governmental organizations,

Concerned by reports of recent incidents in various countries that raise questions as to the adequacy of restraints on the use of force by law enforcement officials and military personnel,

Believing that the possibility of mutual benefit from a comparative study of restraints on such use of force justifies further analysis of additional replies from Governments, specialized agencies, and regional, intergovernmental, and non-governmental organizations,

1. Requests the Secretary-General:

(a) to transmit, as soon as possible, a reminder with copies of the relevant questionnaire to those Governments, specialized agencies and other United Nations organizations, and regional, intergovernmental, and non-governmental organizations that have not yet replied to this questionnaire, with a request that they submit, if they wish to do so, their comments, views, and information in reply;

(b) to transmit copies of such replies, when received, to the members for 1984 of the Working Group on Detention;

(c) to prepare a further analysis based on these replies, to be presented to the Sub-Commission during its thirty-eighth session;

2. Requests the 1984 Chairman/Rapporteur of the Working Group on Detention, in consultation with the other members for 1984 of the Working Group:

(a) to review the analyses that are contained in document E/CN.4/Sub.2/1984/14 and that shall be prepared pursuant to paragraph 1 supra, as well as the further replies received pursuant thereto;

(b) to prepare, for presentation to the Sub-Commission at its thirty-eighth session, concise conclusions and recommendations, based on these analyses and on other reliably attested information available to him.

46/ Adopted at the 34th meeting, on 29 August 1984, without a vote. See chap. VIII.

47/ E/CN.4/Sub.2/1984/14.

1984/11 The administration of justice and the human rights of detainees: Study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers 48/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling decision 1980/24 of 2 May 1980 of the Economic and Social Council,

Recalling its resolution 1983/38 and its decision 1983/6, of 6 September 1983,

Having considered the preliminary and progress reports 49/ submitted by the Special Rapporteur, Dr. L.M. Singhvi, in 1980, 1981 and 1982,

1. *Requests* the Special Rapporteur to submit his final report to the Sub-Commission at its thirty-eighth session;

2. *Decides* to consider the report at its thirty-eighth session as a matter of priority with a view to the elaboration of a draft body of principles.

1984/12 Human rights and scientific and technological developments 50/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which recognize the protection of privacy as a fundamental right,

Recalling the relevant provisions of the Proclamation of Teheran 51/ and the resolutions of the General Assembly and the Commission on Human Rights concerning human rights and scientific and technological developments,

Noting that the use of computers, which now extends to most regions of the world, is an important factor for progress provided that it is accompanied by suitable guarantees, in particular in the case of files intended for processing data concerning the private life of individuals,

Having endorsed by its decision 1983/8 of 7 September 1983, the conclusions of the study of the relevant guidelines in the field of computerized personnel files submitted to it at its thirty-seventh session by Mr. Louis Joinet, Special Rapporteur, and approved by the Commission at its fortieth session by its resolution 1984/27 of 12 March 1984,

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48/ Adopted at the 34th meeting, on 29 August 1984, without a vote. See chap. VIII.

49/ E/CN.4/Sub.2/L.731, E/CN.4/Sub.2/481 and Add.1 and E/CN.4/Sub.2/1982/23.

50/ Adopted at the 34th meeting, on 29 August 1984, without a vote. See chap. IX.

51/ Final Act of the International Conference on Human Rights, Teheran, 22 April to 13 May 1968 (United Nations publication, Sales No. E.68.XIV.2), chapter II.

Responding to the request addressed by the Commission to the Sub-Commission in that resolution to consider, taking into account existing studies, measures which could be taken in this area for the promotion and realization of human rights.

1. Requests the Secretary-General to transmit to Member States and to all relevant international organizations the provisional draft guidelines annexed to the present resolution with a request that they should submit their views thereon;

2. Requests the Special Rapporteur, taking account of the information received, to submit to the Sub-Commission at its thirty-eighth session, the proposed final guidelines in the field of computerized personnel files.

ANNEX

SET OF GUIDELINES IN THE FIELD OF COMPUTERIZED PERSONNEL FILES

I. Set of minimum rules on which national legislation should be based

Principle of fairness: Information about persons should not be collected or processed in unfair or unlawful ways.

Principle of accuracy: Persons responsible for data files have an obligation to check the accuracy of the data recorded and to ensure that they are kept up to date.

Principle of purpose specification: The main purpose which a file is to serve should be known before it is established in order to make it possible subsequently to check whether;

(a) The personal data collected and recorded are relevant to the purpose to be served;

(b) The personal data are not used for purposes other than those for which the file was intended;

(c) The period for which the personal data are kept does not exceed that which would enable the objective for which they were recorded to be achieved.

Principle of openness: Measures should be taken to ensure that any person may be in a position to know of the existence of a personal data file.

Principle of individual access: Everyone, irrespective of nationality or place of residence, has the right to know whether information concerning him is being processed and, if the need arises, to obtain a copy of it in an intelligible form, without undue delay or expense, and to have appropriate rectifications or erasures made in the case of erroneous, unlawful or inaccurate entries.

Principle of security: Appropriate measures should be taken to ensure the essential security of files and of access to restricted information.

Departures from the application of one or other of these principles may be admitted in the case of security files (police, defence, courts, intelligence) medical files, scientific and statistical data, and press files, provided that the limits of the exceptions are specified and are embodied in laws or special regulations promulgated in accordance with the juridical system of each State.

Information on racial origin, sexual preferences, political opinions, religious or philosophical convictions or trade-union membership, should not be recorded; departures from these prohibitions should not be authorized except by law and must be accompanied by appropriate safeguards.

The foregoing principles and rules should, at the very least, apply to public or private computerized files containing data relating to natural persons.

Special provisions might be made to extend the application of these provisions to manual data systems.

II. Application of the minimum rules to files of international organizations and agencies

The internal statutes and rules of international organizations and agencies should make provision, as concerns their own personnel files, for the application of the principles of fairness, accuracy, purpose specification, openness, individual access and security.

A supervisory authority, collegiate or not, set up under a procedure offering adequate guarantees of impartiality, should be appointed within each organization or agency to advise those responsible for the operation of data files and to ensure effective enforcement of the rules established by internal statutes and rules.

1984/13 The administration of justice and the human rights of detainees[52]

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1983/23 of 5 September 1983, by which it requested the Working Group on Detention to prepare a first draft of a Declaration Against Unacknowledged Detention of Persons,

Recalling further its resolution 1982/10 of 7 September 1982, Commission resolutions 1983/20 of 22 February 1983 and 1982/24 of 10 March 1982, and General Assembly resolution 33/173 of 20 December 1978, all of which addressed the problem of unacknowledged detention,

Noting the provisions of various international human rights instruments, in particular articles 3, 5, 9, 10, 11, and 13 of the Universal Declaration of Human Rights and articles 6, 7, 9, 10, 14, and 23 of the International Covenant on Civil and Political Rights, which highlight the illegality of unacknowledged detentions that are conducted or tolerated by States,

Convinced thereby that unacknowledged detention of persons is inadmissible conduct on the part of any State Member of the United Nations,

Deeply concerned by the many recent cases of involuntary disappearances and other unacknowledged detentions of persons,

1. Thanks the Working Group on Detention for the work it has accomplished during the thirty-seventh session of the Sub-Commission towards the adoption of a Draft Declaration Against the Unacknowledged Detention of Persons;

2. Requests the Working Group on Detention to prepare, on the basis of the documents submitted to the Group and the comments made by its members, other members of the Sub-Commission, and representatives of specialized agencies and non-governmental organizations, a revised version of the Declaration Against the Unacknowledged Detention of Persons, and to submit the draft to the Sub-Commission for review and possible revision at its thirty-eighth session, for submission to the Commission on Human Rights at its forty-second session;

3. Requests the Secretary-General to provide the Sub-Commission and its Working Group on Detention with any available documentation for the foregoing purposes.

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[52] Adopted at the 34th meeting, on 29 August 1984, without a vote. See chap. VIII.

1984/14 Question of the violation of human rights and fundamental freedoms: The situation in the Islamic Republic of Iran 53/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 10 (XXXIII) of 10 September 1980, 8 (XXXIV) of 9 September 1981, 1982/25 of 8 September 1982 and 1983/14 of 5 September 1983,

Welcoming Commission on Human Rights resolution 1984/54 of 14 March 1984, in which the Commission, inter alia, expressed its deep concern at the continuing serious violations of human rights and fundamental freedoms in the Islamic Republic of Iran as reflected in the report of the Secretary-General, and particularly at the evidence of summary and arbitrary executions, torture, detention without trial, religious intolerance and persecution, in particular of the Baha'is, and the lack of an independent judiciary and other recognized safeguards for a fair trial,

1. Expresses its alarm at reports of continuing gross violations of human rights and fundamental freedoms in the Islamic Republic of Iran, in particular of political, ethnic and national groups such as the Kurds, and of the Baha'i religious community;

2. Welcomes with satisfaction the decision of the Commission on Human Rights to appoint a special representative whose mandate will be to establish contacts with the Government of the Islamic Republic of Iran and to make a thorough study of the human rights situation in that country based on such information as he may deem relevant, including comments and materials provided by the Government, containing conclusions and appropriate suggestions, to be presented to the Commission at its forty-first session;

3. Decides to request the Secretary-General to bring to the attention of the Commission on Human Rights and its special representative the information received by the Sub-Commission concerning the grave violations of human rights and fundamental freedoms in the Islamic Republic of Iran and of the action taken by the Sub-Commission in this matter;

4. Requests the Secretary-General to inform the Sub-Commission, at its thirty-eighth session, of the actions of the special representative of the Commission and of the deliberations of the Commission on Human Rights on this matter, as well as of any consideration which may be given to it by the General Assembly or the Economic and Social Council.

1984/15 The new international economic order and the promotion of human rights: The right to adequate food 54/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling resolution 1983/140 of 27 May 1983 of the Economic and Social Council in which it authorized the Sub-Commission to entrust Mr. Asbjørn Eide with the preparation of a study on the right to adequate food as a human right,

Recalling further Sub-Commission resolution 1983/29 of 6 September 1983 in which it expressed its profound satisfaction to the Special Rapporteur for the approach chosen in the outline of the said study,

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53/ Adopted at the 34th meeting, on 29 August 1984, by 14 votes to 1, with 6 abstentions. See chap. VI.

54/ Adopted at the 34th meeting, on 29 August 1984, without a vote. See chap. XI.

Having examined the progress report 55/ submitted by the Special Rapporteur, Mr. Asbjørn Eide,

Recognizing the importance of the study on the Right to Adequate Food as a Human Right,

Expressing its appreciation to the Special Rapporteur Mr. Asbjørn Eide for his progress report and the excellent work he has so far accomplished,

1. Requests the Special Rapporteur to continue his work on the above-mentioned study with a view to submitting his final report to the Sub-Commission at its thirty-eighth session;

2. Requests the Secretary-General to give the Special Rapporteur all the assistance he may require to carry out his work.

1984/16 The administration of justice and the human rights of detainees: Question of human rights of persons subjected to any form of detention or imprisonment 56/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that in its resolution 1983/34 of 6 September 1983 the Sub-Commission emphasized the importance that the promulgation of amnesty laws could have for safeguarding and promoting human rights and fundamental freedoms,

Taking into consideration the conclusions of the preliminary report prepared by Mr. Louis Joinet, Special Rapporteur on amnesty laws, which stress the positive nature of the amnesty process currently under way in Colombia,

Welcoming the initiative taken by the Government of Colombia in co-operation with other democratic sectors and other parties concerned,

Considering that this valuable precedent should be encouraged, since it progressively transforms a process of conflict into a momentum for peace, creating conditions for national reconciliation, inasmuch as it takes into account not only the effects but also the economic and social causes of the situation,

Requests the Special Rapporteur to include in his final report the evolution of the current amnesty process and its effects in regard to the safeguarding and promotion of human rights and fundamental freedoms.

1984/17 Human rights and scientific and technological developments: Prevention and Suppression of Unlawful Human Experimentation 57/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering the Declaration on the use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind adopted by the

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55/ E/CN.4/Sub.2/1984/22 and Add.1-2.

56/ Adopted at the 34th meeting, on 29 August 1984, without a vote. See chap. VIII.

57/ Adopted at the 34th meeting, on 29 August 1984, without a vote. See chap. IX.

General Assembly in its resolution 3384 (XXX) of 10 November 1975 which called on all States to co-operate for the development of measures to prevent the utilization of science in a manner detrimental to the rights of man, fundamental freedoms, and the dignity of the person,

Considering the General Assembly's resolutions 3281 (XXIX) of 12 December 1974 and 34/168 of 17 December 1979 transmitted through the Secretary-General to Member States to report on the World Health Organization Code of Medical Ethics, 58/

Mindful of resolution 1984/27 of 12 March 1984 of the Commission on Human Rights which requested the Secretary-General to consider areas in which studies could be undertaken on the most effective ways and means of using the results of scientific and technological development for the promotion and realization of human rights and fundamental freedoms,

Taking into account and expressing its appreciation of the Report on the Study on the Question of Persons Detained on the Grounds of Mental Ill-Health or suffering from Mental Disorder entrusted to Mrs. Erica-Irene Daes by the Sub-Commission by its resolution 11 (XXXIII) of 10 September 1980,

Noting the final report on relevant guidelines in the field of computerized personal files presented to the Human Rights Commission by Mr. Louis Joinet,

Concerned that the effects of scientific and technological developments on human rights and fundamental freedoms have both beneficial and harmful aspects,

Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution III]

1984/18 Human Rights and Scientific and Technological Developments 59/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of resolution 1984/27 of 12 March 1984 of the Commission on Human Rights, which requested the Secretary-General to consider areas in which studies could be undertaken on the most effective ways and means of using the results of scientific and technological development for the promotion and realization of human rights and fundamental freedoms,

Recalling the final report 60/ on relevant guidelines in the field of computerized personal files by Mr. Louis Joinet presented to the Commission on Human Rights,

Considering that information on all aspects of human rights, both civil and political and social, economic and cultural rights, is essential to the universal promotion and protection of human rights,

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58/ A/35/372 and Add.1-3.

59/ Adopted at the 34th meeting, on 29 August 1984, without a vote. See chap. IX.

60/ E/CN.4/Sub.2/1983/18.

Considering also that the rapid increase of interest in human rights coincides with the rapid development of information technology,

Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution IV]

1984/19 The New International Economic Order and the Promotion of Human Rights 61/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Convinced that the strengthening of legal institutions is a prerequisite for the promotion and respect of human rights,

Recalling its resolutions 1982/6 of 7 September 1982 and 1983/38 of 6 September 1983,

Recalling Commission on Human Rights resolutions 30 (XXXVII), 31 (XXXVII), 1982/37, 1983/32, 1983/33, 1983/47 and 1984/44,

1. Requests the Secretary-General to invite those Governments receiving aid from the United Nations Development Programme to indicate their specific needs in the following areas:

(a) the establishment or strengthening of law faculties;

(b) the development of adequate law libraries for schools, judges and lawyers and other auxiliaries of justice;

(c) the training of judges;

(d) drafting of legal texts in conformity with the provisions of international instruments of human rights;

(e) publication of official law journals;

(f) collection and classification of legal material including legislation and digests of court decisions;

2. Requests the Secretary-General to invite the resident representatives of the United Nations Development Programme to undertake contacts with the Governments of their respective duty stations, if necessary, with a view to securing as many replies as possible from Governments to the above-mentioned requests for information;

3. Requests the Secretary-General to request Governments, specialized agencies of the United Nations and regional organizations providing official development assistance to States to indicate the extent to which they provide or are willing to provide the assistance outlined in paragraph 1 above;

4. Requests the Secretary-General to prepare a report on the basis of the information provided in response to paragraphs 1 and 3 above and to submit the report to the Sub-Commission at its thirty-eighth session and to provide the

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61/ Adopted at the 34th meeting, on 29 August 1984, without a vote. See chap. XI.

Special Rapporteur on the independence of judges, lawyers, jurors and assessors with a copy of the report as soon as it is available and to keep the Special Rapporteur apprised of the work being done in this regard.

1984/20 Question of the violation of human rights and fundamental freedoms: The human rights of disabled persons 62/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1982/1 of 7 September 1982 and 1983/15 of 5 September 1983, and the Commission on Human Rights resolution 1984/31 of 12 March 1984,

Recognizing its obligations under the World Programme of Action Concerning Disabled Persons adopted by the General Assembly in its resolution 37/52 of 3 December 1982,

Having regard to the Declaration on the Rights of Mentally Retarded Persons, 63/ the Declaration on the Rights of Disabled Persons 64/ and the Declaration on the Rights of Deaf-Blind Persons, 65/

Committed to the principles of prevention of disability caused by human rights and humanitarian law violations and the principle of equality, full-participation and independent living for disabled persons,

Deeply concerned by documented gross violations of human rights affecting disabled persons and incidence of disability,

Convinced that a study of human rights and disability will be a document of significant value to the international community, Governments and disabled persons,

1. Decides to appoint Mr. Leandro Despouy as Special Rapporteur to undertake the comprehensive study requested by the Economic and Social Council in its resolution 1984/26 of 24 May 1984,

2. Requests the Special Rapporteur to include in his study consideration of and recommendations regarding at least:

(a) Human rights and humanitarian law violations that result in disability or have a particular impact on disabled persons;

(b) Apartheid, as it relates to disability;

(c) All forms of discrimination against disabled persons;

(d) Institutionalization and institutional abuse;

(e) Economic, social and cultural rights as they relate to disability;

62/ Adopted at the 34th meeting, on 29 August 1984, without a vote. See chap. VI.

63/ General Assembly resolution 2856 (XXVI).

64/ Ibid., 3447 (XXX).

65/ Economic and Social Council decision 1979/24, annex.

3. Further requests the Special Rapporteur to take account in his study of any relevant information received from Governments, specialized agencies, regional international organizations and non-governmental organizations, paying particular attention to the views of organizations of disabled persons;

4. Further requests the Special Rapporteur to include on a preliminary basis, an outline of the topic of scientific experimentation as it relates to disability;

5. Further requests the Special Rapporteur to present to the Sub-Commission at its thirty-eighth session for its consideration the proposed study to be presented to the Commission on Human Rights at its forty-second session;

6. Requests the Secretary-General to provide all necessary assistance to Mr. Leandro Despouy for the completion of this task;

7. Decides to inscribe on the agenda of its thirty-eighth session an item entitled "Human rights and disability".

1984/21 Question of the violation of human rights and fundamental freedoms: The right to leave any country including one's own and the right to return to one's own country [66]

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1982/23 of 8 September 1982 and 1983/5 of 31 August 1983,

Recalling also Commission resolution 1984/37 of 12 March 1984,

Having considered the preliminary report [67] and the questionnaire submitted by the Special Rapporteur, Mr. Mubanga-Chipoya,

1. Expresses its appreciation to the Special Rapporteur for his report and his excellent introductory statement;

2. Requests the Special Rapporteur to continue his important work in order to present to the Sub-Commission at its thirty-eighth session for its consideration a progress report on the aforesaid matters and at its thirty-ninth session his final report, including recommendations for promoting and encouraging respect for and observance of that right;

3. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur for the completion of this task.

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[66] Adopted at the 34th meeting, on 29 August 1984, without a vote. See chap. VI.

[67] E/CN.4/Sub.2/1984/10.

1984/22 Question of the violation of human rights and fundamental freedoms: The penalty of amputation [68]

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting the existence in various countries of legislation or practices providing for the penalty of amputation,

Recalling article 5 of the Universal Declaration of Human Rights,

Recommends to the Commission on Human Rights to urge Governments, which have such legislation or practices to take appropriate measures to provide for other punishment consonant with article 5.

1984/23 Question of the violation of human rights and fundamental freedoms: The situation in Guatemala [69]

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, and, in particular, in the preamble to the Universal Declaration of Human Rights, [70] which calls for the protection of human rights by law,

Recalling decision 12 (XXXV) of 14 March 1979, of the Commission on Human Rights, as well as Commission resolutions 32 (XXXVI) of 17 March 1980; 33 (XXXVII) of 11 March 1981; 1982/31 of 11 March 1982; 1983/37 of 8 March 1983; and 1984/53 of 14 March 1984, in which deep concern is reiterated for the persistent reports concerning massive violations of human rights in Guatemala,

Taking note of the elections which took place on 1 July 1984 and of the electoral schedule for the coming year,

Taking into account resolution 37/184 of 17 December 1982, and 38/100 of 16 December 1983 of the General Assembly, and resolutions 1982/17 of 7 September 1982 and 1983/21 of 5 September 1983 of the Sub-Commission

Observing with concern that traditional discrimination against the indigenous population, who constitute the majority of the total population of the country, is now accompanied by a series of restrictive measures tending to exert control over the rural indigenous population,

Recognizing that today in Guatemala there exists an armed conflict of a non-international character, which stems from economic, social and political factors of a structural nature, and that within that conflict, governmental forces have not made progress in complying with the standards of international humanitarian law,

1. *Expresses its deep concern* with the serious, increasing and systematic violations of human rights in Guatemala, in particular acts of violence against the

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[68] Adopted at the 35th meeting, on 29 August 1984, by 10 votes to 5, with 9 abstentions. See chap. VI.

[69] Adopted at the 35th meeting, on 29 August 1984, without a vote. See chap. VI.

[70] General Assembly resolution 217 A (III).

civilian non-combatant population, including acts of torture, involuntary or forced disappearances and massive extra-judicial executions, as well as displacements of rural and indigenous populations and their confinement in militarized hamlets in violation of the right to freedom of residence, and the incorporation of the population into civilian patrols, organized and controlled by the Army;

2. Exhorts, once again, the Government of Guatemala to take effective measures to ensure that all authorities and dependencies, including its security forces, observe total respect of the human rights and fundamental freedoms of its citizens;

3. Invites, in this respect, the Government of Guatemala to clarify in an efficient manner the destiny of all those persons who have disappeared since the outset of the conflict, forbid clandestine prisons, sanction the authors of acts of torture, ensure effective enforcement of the right of habeas corpus and take measures to free and provide care to imprisoned persons;

4. Calls upon all parties concerned in the conflict to ensure application of the humanitarian law applicable in this type of conflict in particular the Geneva Conventions 71/ and its Additional Protocols; 72/

5. Expresses its profound conviction that the solutions to the crisis will be greatly facilitated by allowing the people of Guatemala freely to determine its political, social and economic future without foreign interference and in a climate devoid of intimidation and terror as set out in article 1 of the International Covenant on Economic, Social and Cultural Rights,

6. Urges, in consequence, the Government of Guatemala to carry out the electoral schedule and to improve the guarantees that all political forces be allowed to participate in the presidential elections to be held in July 1985, taking appropriate measures to eliminate the climate of intimidation which preceded the elections to the National Constituent Assembly on 1 July 1984;

7. Further urges all Governments to abstain from providing arms or other kinds of military assistance as long as serious violations of human rights continue in Guatemala;

8. Invites the Special Rapporteur to take due account of the situation of the indigenous population, as well as all reports submitted to the Sub-Commission, which it will forward to him, and any other relevant data furnished him.

71/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

72/ International Committee of the Red Cross Protocols additional to the Geneva Conventions of 12 August 1949 (Geneva, 1977) p. 89.

1984/24 Question of the violation of human rights and fundamental freedoms: The situation in East Timor [73]

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1982/20 of 8 September 1982 and 1983/26 of 6 September 1983 concerning the situation of East Timor,

Preoccupied by new facts put forward regarding the suffering to which the people of East Timor continue to be subjected because of the situation which persists in the territory,

Taking note with satisfaction of the new spirit of co-operation of which the authorities have given proof, in accordance with the wishes of the Sub-Commission in order to facilitate the entry into the territory of international aid to relieve the people of East Timor, especially for the reunification of families,

1. Welcomes the report presented by the Secretary-General [74] regarding the question of East Timor;

2. Requests the Secretary-General to continue his efforts to encourage all parties concerned, including the administering Power, to co-operate in order to achieve a durable solution taking into full consideration the interests of the people of East Timor;

3. Requests the Indonesian authorities to facilitate without restrictions the activities of humanitarian organizations in East Timor;

4. Recommends therefore to the Commission on Human Rights to study carefully at its forty-first session the evolution of the situation of human rights and fundamental freedoms in East Timor.

1984/25 The administration of justice and the human rights of detainees: The situation in Uruguay [75]

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Welcoming the process begun in Uruguay for the liberation of persons detained and/or sentenced for alleged offences against the security of the State and internal order,

Noting with satisfaction that the Government of Uruguay has adopted measures with a view to the restoration of the democratic system and the full exercise of human rights and fundamental freedoms,

Noting also with interest that 25 November 1984 has been fixed as the date for holding national elections,

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[73] Adopted at the 35th meeting, on 29 August 1984, by 8 votes to 1, with 11 abstentions. See chap. VI.

[74] A/39/361.

[75] Adopted at the 36th meeting, on 30 August 1984, by 17 votes to none, with 5 abstentions. See chap. VIII.

Observing nevertheless with regret and concern that measures are still in force which stand in the way of the full exercise of political rights by Uruguayan citizens, as in the case of the political ban on citizens and parties not as yet authorized to participate in those elections,

Concerned by the fact that Mr. Wilson Ferreira Aldunate, designated by one of the most important political forces in Uruguay as candidate for President of the Republic continues to be deprived of his liberty, thereby preventing a considerable sector of the population from exercising its political rights to the full and putting at risk the rights laid down in article 25 of the International Covenant on Civil and Political Rights,

Deeply concerned by information to the effect that the charges against Mr. Wilson Ferreira Aldunate are basically related to his activities in the field of human rights,

1. *Appeals* to the Government of Uruguay to respond positively to the concerns indicated by the Chairman of the Commission on Human Rights in his telegram dated 17 July 1984 to the Government of Uruguay and requests the Chairman of the Commission on Human Rights to pursue this matter further, taking into account the present resolution;

2. *Expresses its confidence* that the Government of Uruguay will continue to make efforts in conjunction with the political forces in the country to achieve the full restoration of democratic institutions, and will continue to adopt measures designed to restore the full exercise of human rights and fundamental freedoms;

3. *Urges* the authorities to speed up the process of setting free persons detained and/or sentenced for alleged offences against the security of the State and internal order;

4. *Urges* the Government of Uruguay to lift the restrictions on political rights affecting citizens and political parties, in order that truly free, democratic elections may be held;

5. *Likewise urges* the Government of Uruguay to set Mr. Wilson Ferreira Aldunate free once and for all and to remove any restrictions on political rights affecting him;

6. *Recommends* to the Commission on Human Rights to urge the Secretary-General to use his good offices with a view to verifying the information according to which the charges against Mr. Wilson Ferreira Aldunate include that of "having made requests before specialized agencies of the United Nations", and to inform the Chairman of the Commission on Human Rights of the results of his endeavours.

1984/26 Question of the violation of human rights and fundamental freedoms: The situation in El Salvador [76]

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the humanitarian rules of war contained in the Geneva Conventions,

Recalling that, in its resolution 38/101 of 16 December 1983, the General Assembly expressed its deepest concern at the fact that the gravest violations of human rights are persisting in El Salvador,

Bearing in mind that, in its resolution 1984/52 of 14 March 1984, the Commission on Human Rights reiterated its strong appeal to the Government of El Salvador to fulfil its obligation towards its citizens and to assume its international responsibilities in this regard by taking the necessary steps to ensure that human rights and fundamental freedoms are fully respected by all its agencies,

Recognizing that in El Salvador an armed conflict not of an international character is now occurring in which Government forces are violating the Geneva Conventions by systematic attacks on rural populations that are not military objectives,

Believing that efforts to establish a climate of protection of human rights would be more easily obtained if all States abstain from intervening in the internal situation in El Salvador and suspend all supplies of weapons and any type of military assistance,

Regretting that, to date, dialogue between the Government and the representative political forces is at a standstill because of the former's refusal to resume the talks, in spite of the reiterated appeals of the General Assembly and the Commission on Human Rights for a comprehensive negotiated political solution,

Observing that, although some improvements have been made in the situation of human rights, as of this date the Salvadorian Government continues to commit grave and systematic violations, above all in its non-compliance with the Geneva Conventions,

1. Recommends that, in spite of the change of Government in El Salvador, the Commission continue to examine the human rights situation and compliance with the Geneva Conventions;

2. Requests the Special Representative to pay particular attention to the reports of continued and systematic bombing of the civilian population by Government forces;

3. Suggests that the Commission repeat its appeal to the parties in the conflict to resume talks without delay to seek a comprehensive negotiated political solution that will guarantee respect for human rights and fundamental freedoms;

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[76] Adopted at the 36th meeting, on 30 August 1984, by 14 votes to 1, with 7 abstentions. See chap. VI.

4. Urges all States to abstain from intervening in the internal situation in El Salvador and to suspend all supplies of arms and any type of military assistance and support, so as to allow the restoration of peace and security and the establishment of a negotiating mechanism that will make for a comprehensive political solution;

5. Requests the Secretary-General to report to the Sub-Commission at its thirty-eighth session on the work of the Representative of the Commission and on the deliberations of the General Assembly and the Commission relating thereto.

1984/27 The administration of justice and the human rights detainees 77/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1983/30 of 6 September 1983,

Wishing to implement decision 1984/104 of 6 March 1984 and resolution 1983/18 of 22 February 1983 of the Commission on Human Rights and resolution 1979/34 of 10 March 1979 of the Economic and Social Council,

Believing that the issues raised in its resolution 1983/30 are of sufficient importance and complexity to warrant an in-depth preliminary analysis,

Having noted the report of its Working Group on Detention,

Noting with regret that lack of time has prevented preparation of the annual report to the Commission, containing well-founded information on the respect for national and international rules governing the legality of the declaration of a state of exception and a list of those States in which a state of exception has been declared or terminated, as called for in decision 1984/104 of the Commission on Human Rights,

1. Requests Mr. Leandro Despouy to prepare an explanatory paper on the ways and means in which preparation of such work can best be achieved in the future, and to submit it to the Sub-Commission and its Working Group on Detention at its thirty-eighth session;

2. Further requests the Secretary-General to provide Mr. Despouy with such assistance as he may need in performing the above-mentioned work;

3. Recommends to the Commission on Human Rights the adoption of the following resolution:

[For the text, see chap. I, sect. A, draft resolution V]

77/ Adopted at the 36th meeting, on 30 August 1984, without a vote, see chap. VIII.

1984/28 Slavery and slavery-like practices: Mission to Mauritania [78]

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Economic and Social Council decision 1982/129 of 7 May 1982, by which the Council authorized the Chairman of the Sub-Commission to appoint two of its members to visit Mauritania in order to study the situation prevailing in that country with regard to slavery and the slave trade and to study the country's needs in the struggle to end those practices,

Recalling also Commission on Human Rights resolution 1982/20 of 10 March 1982, by which the Commission accepted the proposal of the Sub-Commission pursuant to the invitation by the Government of Mauritania, to send a delegation of no more than two persons to be appointed by its Chairman in consultation with the Government of Mauritania to that country,

Recalling further its resolution 16 (XXXIV) of 10 September 1981, by which it recommended to the Commission on Human Rights a mission to Mauritania,

Having considered the report of the mission to Mauritania prepared by its expert, Mr. Marc Bossuyt, [79]

1. Expresses its appreciation to the Government of the Islamic Republic of Mauritania for inviting a mission of the Sub-Commission to visit Mauritania, for the facilities placed at the mission's disposal during its stay in Mauritania, enabling it to meet freely with a great variety of persons and for its exemplary co-operation with the United Nations in this matter;

2. Expresses further its high appreciation to the expert for his excellent and valuable report;

3. Decides to request the expert to present his report to the Commission on Human Rights at its forty-first session;

4. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text see chap. I, sect. A, draft resolution VI]

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[78] Adopted at the 36th meeting on 30 August 1984, without a vote. See chap. XII.

[79] E/CN.4/Sub.2/1984/23.

1984/29 Question of the violation of human rights and fundamental freedoms: The situation in Chile [80]

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind its resolutions 1982/19 of 8 September 1982 and 1983/19 of 5 September 1983 and resolution 1984/63 of 15 March 1984 of the Commission on Human Rights,

Taking into account the reports by the Special Rapporteur of the Commission on Human Rights,

Considering the recent information which confirms the persistence of systematic violations of human rights in Chile,

Deploring the fact that the peaceful demonstrations organized by democratic groups continue to be violently repressed, with the consequent loss of numerous lives,

Deeply concerned by the situation of human rights in general and by the situation of the indigenous peoples in particular,

Especially disturbed by the impunity enjoyed by the forces of repression, particularly the National Information Agency (CNI),

Concerned also by the recent legislative measures taken by the Chilean authorities which considerably limit and restrict the freedoms established in different international instruments to which Chile is a party,

1. Urges the Chilean authorities to put an end to all the measures of repression, to torture and to cruel, inhuman or degrading treatment;

2. Calls upon the Chilean authorities to identify the persons responsible for the disappearances, torture and cruel, inhuman or degrading treatment, and to punish the guilty;

3. Calls likewise upon the Chilean authorities to respect civil, political, economic, social and cultural rights, including those of the indigenous peoples, notably as regards their lands and cultural identity;

4. Recommends to the Commission on Human Rights to address an urgent appeal to the Chilean authorities to respect and promote human rights in conformity with the international instruments to which Chile is a party, and to co-operate with the Special Rapporteur of the Commission.

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[80] Adopted at the 36th meeting, on 30 August 1984, without a vote. See chap. VI.

1984/30 The effects of gross violations of human rights on international peace and security 81/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that in resolutions 1982/7 of 19 February 1982, 1983/43 of 9 March 1983 and 1984/28 of 12 March 1984 the Commission on Human Rights reaffirmed that all peoples and all individuals have an inherent right to life, and that the safeguarding of this foremost right is an essential condition for the enjoyment of the entire range of economic, social and cultural, as well as civil and political, rights,

Also recalling that in the said resolutions the Commission expressed its profound concern that international peace and security continues to be threatened by the arms race, particularly the nuclear arms race, and stressed the urgent need to make every effort to strengthen peace, remove the threat of war, particularly nuclear war, halt the arms race and achieve general and complete disarmament under effective international control and prevent violations of the principles of the Charter of the United Nations,

Taking into account that in the contemporary world the relationship between the full realization of human rights and questions of peace and security is emerging into sharper focus,

Convinced that the maintenance of international peace and security for all peoples and individuals is vital for social and economic progress and for the full realization of human rights and vice versa,

Recalling further its resolution 1983/32 of 6 September 1983,

Having considered the report 82/ of the Secretary-General on the subject-matter,

Taking note of the comments made by Governments and non-governmental organizations on the communications addressed to them by the Secretary-General pursuant to Sub-Commission resolution 1983/32 of 6 September 1983,

1. Expresses its appreciation to the Secretary-General for the very comprehensive and important report he has prepared in accordance with the aforementioned resolution;

2. Stresses the threat that the arms race, particularly the nuclear arms race, poses for the achievement of social and economic progress and for the universal realization of all human rights;

3. Requests the Secretary-General to prepare a guide to conventions and resolutions adopted and reports published by the United Nations relating to the adverse consequences of the arms race, particularly the nuclear arms race, for the universal realization of human rights, and to submit this guide to the Sub-Commission at its thirty-eighth session;

81/ Adopted at the 36th meeting, on 30 August 1984, without a vote. See chap. VI.

82/ E/CN.4/Sub.2/1984/11.

4. Further requests the Secretary-General to transmit, as soon as possible, a reminder to Governments and non-governmental organizations which have not yet commented on the communication sent to them pursuant to paragraph 4 of resolution 1983/32 of the Sub-Commission, to submit, if they wish to do so, their comments, views and information to the Secretary-General; and to prepare a progress report, taking into consideration all the replies received and the comments made by the members of the Commission and the Sub-Commission at its thirty-eighth session;

5. Decides to continue the discussion of this matter as a subitem under item 6 of the agenda of its thirty-eighth session. 83/

1984/31 Elimination of all forms of intolerance and of discrimination based on religion or belief 84/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having discussed the preliminary report 85/ on the question of the current dimensions of the problems of intolerance and of discrimination on grounds of religion or belief, submitted by the Special Rapporteur, Mrs. Elizabeth Odio-Benito,

Expressing its thanks to the Special Rapporteur for her work in preparing the preliminary report,

1. Requests the Special Rapporteur to continue her work and to submit a progress report to the Sub-Commission, at its thirty-eighth session and a final report at its thirty-ninth session;

2. Requests the Secretary-General to provide all possible assistance to the Special Rapporteur so as to facilitate her work;

3. Decides to consider the above-mentioned report at its thirty-eighth session, under the agenda item "Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief".

1984/32 Question of the violation of human rights and fundamental freedoms: The situation in Sri Lanka 86/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Deeply concerned about the recurrence of violence in Sri Lanka which resulted in severe loss of life and property,

Recognizing the ultimate responsibility of the Government of Sri Lanka for the protection of all sections of the community,

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83/ See item 7 of the provisional agenda for the thirty-eighth session.

84/ Adopted at the 36th meeting, on 30 August 1984 without a vote. See chap. XIV.

85/ E/CN.4/Sub.2/1984/28.

86/ Adopted at the 37th meeting, on 30 August 1984, by 11 votes to 3, with 6 abstentions. See chap. VI.

Appreciating decision 1984/111 of 14 March 1984 of the Commission on Human Rights in which it appealed to the parties to continue to take all necessary measures to strengthen and maintain peace and restore harmony among the people of Sri Lanka and welcomed all measures for rehabilitation and reconciliation,

Anxious that the All Party Conference convened by the Government will achieve the progress ardently hoped for in the direction of resolving or reducing the ethnic tension in the country,

Expresses the hope that the Government of Sri Lanka will submit information on the progress made in the investigation of the incidents, and the recent efforts to promote communal harmony, to the Commission on Human Rights at its forty-first session.

1984/33 Slavery and slavery-like practices 87/

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the report of the Working Group on Slavery submitted at its thirty-seventh session,

Gravely concerned at the evidence of the perpetuation and even the recrudescence of various slavery-like practices in many parts of the world,

1. Takes note with appreciation of the report of the Working Group on Slavery;

2. Considers that it would be useful for the Working Group on Slavery to adopt the practice of reviewing at each session developments in the situation considered by it in previous years;

3. Recommends that wider use be made of mass media to inform peoples of the extent of the problems considered by the Working Group and develop awareness of their rights and responsibilities in the struggle against slavery and slavery-like practices;

4. Considers further that expert seminars should be held to carry out an exchange of experiences regarding the struggle against slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism;

5. Recommends the following resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution VII]

87/ Adopted at the 37th meeting, on 30 August 1984, without a vote. See chap. XII.

1984/34 Question of the violation of human rights and fundamental freedoms: The situation in South Africa and Namibia [88]

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that in resolution 1984/5 of 28 February 1984 the Commission on Human Rights expressed its abhorrence of the system of apartheid and of the gross violations of human rights in South Africa and Namibia, and called for the release of all political prisoners, especially those who have been incarcerated for long terms,

Further recalling that in that same resolution the Commission reaffirmed that any constitutional arrangements, such as the so-called reforms to the South African Constitution, which are based on racial segregation and discrimination and which deny full citizenship rights to the majority black population as a whole, constitute a denial of their fundamental rights, serve to perpetuate apartheid and are unacceptable,

Reiterating that apartheid is a crime against humanity,

Bearing in mind that in resolution 554 (1984) of 17 August 1984 the Security Council declared the so-called "new constitution" in South Africa as contrary to the principles of the Charter of the United Nations, the referendum of 2 November 1983 as devoid of validity, and as null and void the "elections" that were scheduled to take place in August 1984,

Aware that notwithstanding the above-mentioned decisions the apartheid regime of South Africa continues to deny the black population the most fundamental human right to determine their own destiny and has carried out its plans and that one of the said "elections" took place on 22 August 1984 in spite of their overwhelming repudiation by those who were supposed to participate in them, and that yet another stage of this kind of election is scheduled for 28 August 1984,

Taking note with indignation of the mass arrests of political activists, students and workers who expressed their rejection of said elections, among them Messrs. Gumede and Lekota, President and General-Secretary of the United Democratic Front, Messrs. Sewpersadh and Naidao, President and Vice-President of the Natal Indian Congress, Mr. Jassat, Vice-President of the Transvaal Indian Congress, and Mr. Nair, a leader of the African National Congress of South Africa just released from a twenty-year term of imprisonment on Robben Island;

1. Reaffirms that apartheid is an international crime and that the apartheid regime is both illegitimate and contrary to the Universal Declaration of Human Rights;

2. Expresses its repudiation of all efforts of the illegitimate South African regime to perpetuate its apartheid policies by means of insidious manoeuvres to further entrench white minority rule, such as the so-called "new constitution" and the "elections" scheduled for the current month;

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[88] Adopted at the 37th meeting, on 30 August 1984, by 16 votes to none, with 2 abstentions. See chap. VI.

3. Strongly condemns the mass arrests of political activists, workers and students that preceded and are following the said elections;

4. Demands the instant cessation of the campaign of mass terror launched by the racist authorities against those trying to fully exercise their civil and political rights in South Africa and Namibia;

5. Further demands the instant release of all political prisoners, including all persons subject to banning, house arrest and banishment, and of those recently arrested for their opposition to the so-called "elections";

6. Requests the Secretary-General to give the widest possible dissemination to the present resolution.

1984/35 Study of the problem of discrimination against indigenous populations [89]

A

Study of the problem of discrimination against indigenous populations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1983/33 of 6 September 1983,

Having examined the report submitted by the Special Rapporteur, Mr. José R. Martínez Cobo, contained in document E/CN.4/Sub.2/476 and Add.1-6, E/CN.4/Sub.2/1982/2 and Add.1-7, and E/CN.4/Sub.2/1983/21 and Add.1-8,

Recalling that in resolution 1589 (L) of 21 May 1971, the Economic and Social Council invited the Sub-Commission to suggest national and international measures for the elimination of discrimination against indigenous populations,

Convinced that the report constitutes a reference work of definitive usefulness for indigenous populations, scholars, national organizations and international bodies concerned with the rights of indigenous populations and, in particular, for the future work on this question of the Sub-Commission and its Working Group on Indigenous Populations,

Bearing in mind that in accordance with the criteria adopted for the study, as contained in paragraph 58 of document E/CN.4/Sub.2/L.566, it was intended not only to serve the Sub-Commission as a source for drafting its recommendations on this matter, but also to inform world public opinion and, therefore, that it deserves the widest possible dissemination,

1. Expresses its appreciation to the Special Rapporteur for his excellent and exhaustive study, which constitutes an invaluable contribution to the clarification of the basic legal, social, economic and cultural problems of indigenous populations;

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[89] Adopted at the 37th meeting, on 30 August 1984, without a vote. See chap. X.

2. Decides to consider Mr. Martínez Cobo's conclusions, proposals and recommendations as an appropriate source for its future work on this question and for the work of its Working Group on Indigenous Populations;

3. Decides to transmit the study to the Commission on Human Rights at its forty-first session and to draw the attention of the Commission to the conclusions, proposals and recommendations contained in document E/CN.4/Sub.2/1983/21/Add.8;

4. Requests the Special Rapporteur to present his study to the Commission on Human Rights at its forty-first session;

5. Requests the Commission on Human Rights to transmit the study to all States Members of the United Nations, the specialized agencies particularly the International Labour Organisation, World Health Organization, Food and Agriculture Organization of the United Nations and United Nations Educational Scientific and Cultural Organization, the International Atomic Energy Agency, United Nations bodies concerned and all non-governmental organizations concerned with human rights issues, drawing their attention to its conclusions, proposals and recommendations, and requesting them to submit any comments they may wish to make to the Secretary-General for transmission to the Working Group on Indigenous Populations at its fourth session, and to the Sub-Commission at its thirty-eighth session;

6. Recommends the adoption of the following resolution by the Commission on Human Rights:

[For the text, see chap. I, sect. A, draft resolution VIII]

B

Report of the Working Group on indigenous populations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling resolution 1982/34 of 7 May 1982 of the Economic and Social Council, authorizing the establishment annually of a Working Group on Indigenous Populations,

Having examined the report 90/ of the Working Group on its third session held from 30 July to 6 August 1984,

Taking into account the views expressed in the course of the Working Group's session and in the discussion of its report,

1. Expresses its appreciation to the Working Group and in particular to its Chairman-Rapporteur Mrs. Erica-Irene Daes, and its satisfaction for the valuable information gathered by the Working Group during its third session and recognizes the need for the continuation of a broad approach and flexible methods of work;

2. Further expresses its great appreciation for the increased, active and constructive participation of government observers, representatives of specialized agencies, non-governmental organizations, and in particular of representatives of indigenous peoples' organizations;

90/ E/CN.4/Sub.2/1984/20.

3. Warmly welcomes the decision taken by some Governments to be represented at the third session at cabinet minister level or by high-ranking officials;

4. Endorses the Plan of Action adopted by the Working Group for its future work, contained in annex I to the report; 91/

5. Requests that the Secretary-General circulate, as soon as possible, the Working Group's report, and the conclusions, proposals and recommendations contained in the final report of the Special Rapporteur, Mr. José R. Martínez Cobo, to Governments, specialized agencies and United Nations bodies concerned, organizations of indigenous peoples and other interested non-governmental organizations, for comments and suggestions, in anticipation of its fourth session in 1985;

6. Requests the Working Group to consider elaborating, as appropriate, analytical papers with a view to their subsequent circulation to interested observers, analyses of basic issues such as the legal foundations of indigenous rights in general, as well as draft principles relating to land rights;

7. Requests the Working Group henceforth to focus its attention on the preparation of standards on the rights of indigenous populations and to relate its consideration of developments affecting the rights of indigenous populations to the process of preparing international standards thereon;

8. Requests the Working Group to consider in 1985, in addition to the question already scheduled in its fourth session, the drafting of a Body of Principles on Indigenous Rights based on relevant national legislation, international instruments and other juridical criteria;

9. Reiterates its recommendations that the reports of the Working Group be made available to the Commission on Human Rights at each of its sessions;

10. Requests the Secretary-General to give all necessary assistance to the Working Group in discharging its tasks;

11. Decides to include in the agenda of its thirty-eighth session as a matter of high priority an item entitled "The Discrimination against Indigenous Populations".

C

United Nations Voluntary Fund for indigenous populations

Recalling its resolution 1982/31 of 10 September 1982 and 1983/37 of 6 September 1983,

Further recalling resolutions 1983/23 of 4 March 1983 and 1984/32 of 12 March 1984 of the Commission on Human Rights,

Having examined the report 92/ of the Working Group on Indigenous Populations on its third session,

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91/ See the annex to the present resolution.

92/ E/CN.4/Sub.2/1984/20.

Taking into account the views expressed during the deliberations of the Working Group and in the Sub-Commission at its current session with respect to the possible establishment of a voluntary fund for facilitating the participation of representatives of indigenous populations in future sessions of the Working Group,

Taking also into account the note prepared by the Secretary-General on this issue, 93/

1. Decides that the establishment of such a fund constitutes a significant development for the future promotion and protection of the human rights of indigenous populations;

2. Further decides to recommend the adoption of the following resolution by the Commission on Human Rights at its forty-first session:

[For the text, see chap. I, sect. A, draft resolution VIII]

93/ E/CN.4/Sub.2/1983/20.

ANNEX 94/

PLAN OF ACTION FROM 1985 ONWARDS

1. (a) This plan of action for the Working Group is indicative only and the sequence of priorities may be changed at later sessions; (b) the issue of treaties will be discussed, whenever pertinent, in connection with any theme. Each year, under the item "Other matters" of the agenda, themes not listed below may be taken up. Under the item of the agenda concerning the review of developments any issue may be brought up. It is expected that protection of the right to life, to physical integrity and security of indigenous populations will be discussed each year. It is also expected that information will be received and discussions will be held on the evolution of policies regarding indigenous populations.

2. Although a constructive and fruitful discussion took place in the Working Group, at its third session, on the right to land and to natural resources and on the question of the definition of indigenous populations, it is expected that these issues might be further considered by the Working Group, at its fourth session.

1985: Fourth session

(a) Right of indigenous populations to develop their own culture, traditions, language and way of life, including the right to freedom of religion and traditional religious practices;

(b) Right to education.

3. List of preliminary priorities for the subsequent sessions of the Working Group

Right to autonomy and self-determination, including political representation and institutions, the duty of indigenous populations, as of all others, to respect universal human rights;

Right to health, medical care and other social services;

Right to legal assistance and protection in administrative and judicial affairs;

Right to association;

Right to social security and labour protection;

Right to trade and to maintain economic, technological, cultural and social relations.

94/ Annex I to the report of the Working Group on Indigenous Populations (E/CN.4/Sub.2/1984/20).

1984/36 Encouragement of universal acceptance of human rights instruments [95]

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1 B (XXXII) of 5 September 1979, 19 (XXXIV), of 10 September 1981, 1982/3 of 7 September 1982, 1983/27 of 6 September 1983 and its decision 2 (XXXIII) of 11 September 1980 on the encouragement of universal acceptance of human rights instruments,

Having considered the report [96] of the Secretary-General transmitting the information submitted by Governments,

1. Expresses its appreciation to those Governments which have conveyed information to the Sub-Commission;

2. Takes note of the report of the sessional Working Group on the Encouragement of Universal Acceptance of Human Rights Instruments;

3. Requests the Secretary-General to renew the invitation for submission of information communicated by his earlier notes verbales to the Governments of Member States which have not yet replied to those communications, making particular reference to the human rights instruments to which those Governments have not yet become party and drawing the attention of each Government to the instruments which it has already signed but not yet ratified;

4. Requests the Secretary-General to invite the Government mentioned in paragraph 20 of the 1984 report of the sessional Working Group on the Encouragement of Universal Acceptance of Human Rights Instruments to submit any additional information as to the exact nature of the legal problems encountered, which have so far not enabled it to become a party to the human rights instrument referred to by the Working Group during the examination if its reply;

5. Requests the Secretary-General to examine the idea of offering technical assistance in the form of legal training of the local staff or by providing human rights experts to assist in the drafting of the necessary legislation and regulations, with a view to enabling the Member States to ratify or accede to international human rights instruments;

6. Requests the Secretary-General to examine the idea of designating regional advisers on international human rights standards whose function would include advising the States concerned on acceptance and implementation of international human rights instruments;

7. Requests the Secretary-General to hold informal discussions concerning prospects for ratification of human rights instruments, with government delegations on the occasion, for example, of the sessions of the General Assembly

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[95] Adopted at the 37th meeting, on 30 August 1984, by 18 votes to 1, with 1 abstention, see chap. XIII.

[96] E/CN.4/Sub.2/1984/27.

and the Commission on Human Rights, priority being given to the instruments prepared by the Commission on Human Rights such as the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Optional Protocol to that Covenant; the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid;

8. Requests the Secretary-General to prepare a table containing a country-by-country record of developments which have taken place in connection with ratification of, or accession to, the human rights instruments included in the terms of reference of the Working Group;

9. Decides to include the two Protocols additional to the Geneva Conventions of 12 August 1949 in the list of human rights instruments under paragraph 1 of the Sub-Commission resolution 1 B (XXXII), as complemented by resolutions 1982/3 and 1983/27;

10. Decides to suspend the work of the Working Group of its thirty-eighth session and to request the Chairman of the Sub-Commission to appoint at its thirty-eighth session one of its members to report to it at the said session on information received under the present resolution.

1984/37 Review of the work of the Sub-Commission [97]

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1983/21 of 5 September 1983 by which it decided to give priority attention to the consideration of its role and activities during its thirty-seventh session, and to establish a working group to consider these questions;

Mindful of Commission on Human Rights resolution 1984/60 of 15 March 1984 which took note of Sub-Commission resolution 1983/21 and endorsed the convening of a working group of the Sub-Commission;

Having considered the report of the Working Group on the Review of the Work of the Sub-Commission, [98]

1. Expresses its appreciation to the Working Group and to its Chairman/Rapporteur, Mr. A. Khalifa, for the serious and constructive work which they have undertaken;

2. Endorses the recommendations [99] of the Working Group including the long-term plan of studies for 1985-1989 (annex II) and the core items to be kept on the agenda of the Sub-Commission (annex I);

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[97] Adopted at the 38th meeting, on 31 August 1984, by 10 votes to 3, with 6 abstentions. See chap. III.

[98] See E/CN.4/Sub.2/1984/3.

[99] The long-term plan of studies for 1985-1989 (annex II to the report of the Working Group) and the core items to be kept on the agenda of the Sub-Commission (annex I to the report of the Working Group) appear in annex V to the present report, as the five-year programme of work (1985-1989).

3. Requests the Secretary-General to inform the Commission on Human Rights at its forty-first session of the activities of the Working Group on the Review of the Work of the Sub-Commission as well as of the contents of the present resolution;

4. Decides that the Working Group on the Review of the Work of the Sub-Commission shall continue its deliberations during the thirty-eighth session of the Sub-Commission;

5. Decides to execute its increasing workload, that is, its future meetings must begin punctually on time;

6. Recommends to the Commission on Human Rights:

(a) that consideration be given to electing the expert members of the Sub-Commission for a term of four years, with half the members elected each two years;

(b) that consideration be also given to changing the name of the Sub-Commission, in order to describe its work more clearly, to the Sub-Commission of Experts of the Commission on Human Rights;

(c) that studies prepared under the auspices of the Sub-Commission should pass whenever possible through a three-year cycle; the first year devoted to a concise report outlining the proposed approach; the second devoted to a concise progress report and raising any special questions; the final report being submitted in the third year, and that once the study had been authorized at the outset by the Economic and Social Council it would be understood that the stages to be undergone would not normally require repeated approval by the Commission or the Economic and Social Council or by Sub-Commission resolutions;

(d) that, in order to execute properly its increasing workload, services be authorized for an additional 10 meetings per session of the Sub-Commission in order to enable sessional Working Groups to meet concurrently;

(e) that the Centre for Human Rights be strengthened and facilities increased so as to enable it to provide further services to the Sub-Commission and implement the five-year plan of work.

B. Decisions

1984/101 Promotion, protection and restoration of human rights at national, regional and international levels: prevention of discrimination and protection of minorities 100/

At its 30th meeting, on 27 August 1984, the Sub-Commission decided to postpone further consideration of item 15 (c) to its thirty-eighth session. 101/

100/ Adopted at the 30th meeting, on 27 August 1984, by 15 votes to 4, with 2 abstentions. See chap. XV.

101/ Paper to be submitted by Mr. Jules Deschênes at the thirty-eighth session of the Sub-Commission. See annex III.

1984/102 Study of the problem of discrimination against indigenous populations 102/

At its 37th meeting, on 30 August 1984, the Sub-Commission decided to authorize Mrs. Erica-Irene A. Daes, Chairman of the Working Group on Indigenous Populations at its third session, to attend the Conference of Indigenous Peoples to be held in Panama from 23 to 30 September 1984, the cost of the mission to be borne by the Centre for Human Rights.

1984/103 Organization of the work of the thirty-eighth session 103/

The Sub-Commission decided to adopt the following schedule for its thirty-eighth session:

Commission on Human Rights - Sub-Commission on Prevention of Discrimination and Protection of Minorities - Working Group on Communications (Economic and Social Council resolution 1503 (XLVIII))	22 July - 2 August	1985	**Geneva**
Commission on Human Rights - Sub-Commission on Prevention of Discrimination and Protection of Minorities - Group of Five on Slavery (Economic and Social Council resolution 16 (LVI))	29 July - 2 August	1985	**Geneva**
Commission on Human Rights - Sub-Commission on Prevention of Discrimination and Protection of Minorities - Working Group on Indigenous Populations (Economic and Social Council resolution 1982/34)	29 July - 2 August	1985	**Geneva**
Commission on Human Rights - Sub-Commission on Prevention of Discrimination and Protection of Minorities	5 August - 30 August	1985	**Geneva**

1984/104 Slavery and slavery-like practices: Question of slavery and the slave trade in all their practices and manifestations 104/

The Sub-Commission decided to designate Mrs. Halima Embarek Warzazi and Mr. Murlidhar C. Bhandare as experts to serve on the Working Group on Traditional Practices affecting the Health of Women and Children, pursuant to resolution 1984/34 of the Economic and Social Council.

102/ Adopted at the 37th meeting, on 30 August 1984, without a vote.

103/ Adopted at the 38th meeting, on 31 August 1984, without a vote.

104/ Adopted at the 39th meeting, on 31 August 1984, without a vote.

1984/105 Composition of working groups of the Sub-Commission 105/

Regional Group	Communications	Slavery	Indigenous Populations
Africa	Mr. Yimer (Alternate: Mr. George)	Mr. Mubanga Chipoya (Alternate: Mr. Yimer)	Mr. Simpson (Alternate: Mr. Dahak)
Asia	Mr. Bhandare (Alternate: Mr. Al Khasawneh)	Mr. Chowdhury (Alternate: Mr. Takemoto)	Mrs. Gu Yijie (Alternate: Mr. Al Khasawneh)
Latin America	Mr. Martinez-Baez (Alternate: Mr. Uribe Portocarrero)	Mr. Valdez-Baquero (Alternate: Mr. Uribe Portocarrero)	Mr. Alfonso Martinez (Alternate: Mr. Despouy)
Eastern Europe	Mr. Sofinsky (Alternate: Mr. Toševski)	Mr. Mazilu (Alternate: Mr. Sofinsky)	Mr. Toševski (Alternate: Mr. Mazilu)
Western Europe	Mr. Bossuyt (Alternate: Mr. Roche)	Mr. Deschênes (Alternate: Mr. Roche)	Mrs. Daes (Alternate: Mr. Joinet)

1984/106 Decision on draft resolutions and decisions before the Sub-Commission 106/

The Sub-Commission decided not to take action on the following draft resolutions and decisions: E/CN.4/Sub.2/1984/L.12, L.13, L.28, L.29, L.31, L.32, L.42 and L.45, pursuant to rule 65 (2) of the Rules of Procedure of the functional commissions of the Economic and Social Council.

105/ Adopted at the 39th meeting, on 31 August 1984, without a vote.

106/ Adopted at the 39th meeting, on 31 August 1984, by 12 votes to 2, with 2 abstentions.

ANNEX I

ATTENDANCE

Members and Alternates

Mr. Awn Shawkat Al Khasawneh a/	(Jordan)
Mr. Miguel Alfonso Martínez a/ Mr. Julio Heredia Pérez */ a/	(Cuba)
Mr. Murlidhar Chandrakant Bhandare a/	(India)
Mr. Marc Bossuyt a/ Mr. Patrick Dubois */	(Belgium)
Mr. Justice Abu Sayeed Chowdhury a/	(Bangladesh)
Mrs. Erica-Irene A. Daes a/	(Greece)
Mr. Driss Dahak a/ Mr. Mohamed Sbihi */	(Morocco)
Mr. Jules Deschênes a/ Mrs. Rita Cadieux */	(Canada)
Mr. George Dove-Edwin a/ Mr. Olufemi Oyewale George */ a/	(Nigeria)
Mr. Enzo Giustozzi Mr. Leandro Despouy */ a/	(Argentina)
Mrs. Gu Yijie a/ Mr. Li Daoyu */ a/	(People's Republic of China)
Mr. Aidiid Abdillahi Ilkahanaf	(Somalia)
Mr. Louis Joinet a/ Mr. Alain Pellet */	(France)
Mr. Ahmed M. Khalifa a/	(Egypt)
Mr. Antonio Martínez Báez a/ Mr. Héctor Fix Zamudio */	(Mexico)
Mr. Dumitru Mazilu a/ Mr. Mircea Nicolae */	(Romania)

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*/ Alternate.

a/ Present.

Mr. C.L.C. Mubanga-Chipoya a/	(Zambia)
Ms. Beatrice Mulamfu */	
Mr. John P. Roche a/	(United States of America)
Mr. John Carey */ a/	
Mr. Kwesi B.S. Simpson a/	(Ghana)
Mrs. Kate Abankwa */	
Mr. Vsevolod N. Sofinsky a/	(Union of Soviet Socialist Republics)
Mr. Viktor M. Tchikvadze */ a/	
Mr. Masayuki Takemoto a/	(Japan)
Mr. Nisuke Ando */ a/	
Mr. Ivan Toševski a/	(Yugoslavia)
Mr. Danilo Türk */	
Mr. Antonio Jose Uribe Portocarrero a/	(Colombia)
Mr. Fernando Cepeda Ulloa */ a/	
Mr. Rodrigo Valdez Baquero a/	(Ecuador)
Mr. Mario Aleman Salvador */	
Mr. Benjamin C.G. Whitaker a/	(United Kingdom of Great Britain and Northern Ireland)
Mr. J.R. Patrick Montgomery */ a/	
Mr. Fisseha Yimer a/	(Ethiopia)

States Members of the United Nations represented by observers

Afghanistan, Angola, Argentina, Australia, Bangladesh, Belgium, Bolivia, Brazil, Canada, China, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, El Salvador, Ethiopia, Finland, German Democratic Republic, Germany, Federal Republic of, Democratic Kampuchea, Greece, Guatemala, Honduras, India, Indonesia, Iraq, Islamic Republic of Iran, Israel, Italy, Japan, Jordan, Mauritania, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Romania, Senegal, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Viet Nam, Yugoslavia.

Non-member States represented by observers

Democratic People's Republic of Korea, Holy See, Republic of Korea, Switzerland.

United Nations bodies

Office of the United Nations High Commissioner for Refugees, United Nations Development Programme.

Specialized agencies

International Labour Organisation, United Nations Educational, Scientific and Cultural Organization, International Monetary Fund.

Other intergovernmental organizations

League of Arab States, Organization of African Unity.

National liberation movements

African National Congress, Pan-Africanist Congress of Azania, SWAPO.

Non-governmental organizations in consultative status

Category I

International Alliance of Women, International Association for Religious Freedom, International Confederation of Free Trade-Unions, International Council of Women, International Youth and Student Movement for the United Nations, World Federation of United Nations Associations.

Category II

All India Women's Conference, Amnesty International, Anti-Slavery Society for the Protection of Human Rights, Arab Lawyers Union, Baha'i International, Caritas International, Commission of the Churches on International Affairs, Co-ordinating Board of Jewish Organizations, Disabled Peoples' International, Four Directions Council, Friends World Committee for Consultation, International Abolitionist Federation, International Association of Democratic Lawyers, International Association of Penal Law, International Commission of Jurists, International Committee of the Red Cross, International Council of Jewish Women, International Federation of Human Rights, International Federation of University Women, International Federation of Women Lawyers, International Federation of Women in Legal Careers, International Fellowship of Reconciliation, International Indian Treaty Council, International Institute of Humanitarian Law, International Law Association, International League for Human Rights, International Movement for Fraternal Union Among Races and Peoples, Movement against Racism and for Friendship among Peoples, Pan-Pacific and South-East Asia Women's Association, Pax Christi, Pax Romana, Radda Barnen International, War Registers International, Women's International League for Peace and Freedom, Women's International Zionist Organization, World Conference on Religion and Peace, World Council of Indigenous Peoples, World Jewish Congress, World Young Women's Christian Association, Zonta International.

Roster

Brahma Kumaris World Spiritual University, Defence for Children International Movement, Indian Council of South America, Indian Law Resource Centre, International Association for the Defence of Religious Liberty, International Humanist and Ethical Union, International Human Rights Internship Program, International League for the Rights and Liberation of Peoples, International Progress Organization, Minority Rights Group, Movement Against Racism and for Friendship Among Peoples, National Indian Youth Council, Procedural Aspects of International Law Institute, International Human Rights Law Group, Romani Union, World Association for the School as an Instrument of Peace.

Annex II

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS THIRTY-SEVENTH SESSION

1. In the course of its thirty-seventh session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted fifteen resolutions and one decision, having financial implications. Prior to the adoption of these resolutions statements of their administrative and programme implications were submitted on behalf of the Secretary-General, in compliance with financial regulation 13.1 and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council. These statements are summarized below.

2. Should the action taken by the Commission on Human Rights and the Economic and Social Council in respect of the above-mentioned resolutions of the Sub-Commission require the Secretary-General to enter into commitments during 1985 and 1986, additional credits, as appropriate, would be required for the current biennium and for the biennium 1986-1987.

1984/1. Review of further developments in fields with which the Sub-Commission has been concerned

3. In paragraph 1 of resolution 1984/1 the Sub-Commission would request the Special Rapporteur, Mr. Benjamin Whitaker, to continue his work and to submit the final report on the question of the prevention and punishment of the crime of genocide to the Sub-Commission at its thirty-eighth session.

4. The related costs under section 23 (Human Rights) are estimated at $1,000 for 1985.

	1985 US dollars
One round-trip to Geneva of the Special Rapporteur for consultation with the Centre for Human Rights (5 working days)	
Travel (London/Geneva/London)	400
subsistence	600
	1 000

1984/2. The status of the individual and contemporary international law

5. In paragraph 2 of resolution 1984/2 the Commission on Human Rights would recommend for adoption by the Economic and Social Council, a draft resolution requesting the Special Rapporteur, Mrs. Erica Daes, to continue her work on the above-mentioned study with a view to submitting her final report to the Sub-Commission during its thirty-eighth session.

6. The related costs under section 23 (Human Rights) are estimated at $1,200 for 1985.

	1985 US dollars
One round-trip to Geneva of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days)	
Travel (Athens/Geneva/Athens)	600
Subsistence	600
	1 200

1984/3. Draft body of principles and guidelines on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms

7. In paragraph 1 of resolution 1984/3, the Commission on Human Rights would recommend for adoption by the Economic and Social Council a draft resolution requesting the Special Rapporteur, Mrs. Erica Daes, to continue her work on the above-mentioned study and the draft body of principles and guidelines with a view to submitting her final report to the Sub-Commission at its thirty-eighth session.

8. The related costs under section 23 (Human rights) are estimated at $1,200 for 1985.

	1985 US dollars
One round-trip to Geneva of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days)	
Travel	600
Subsistence	600
	1 200

1984/4. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

9. In paragraph 3 of resolution 1984/4, the Commission on Human Rights would request the Secretary-General to give the Special Rapporteur all the assistance, including adequate travel funds, that he may require in the exercise of his mandate, with a view in particular to establish direct contacts with the United Nations Centre on Transnational Corporations and the United Nations Centre against Apartheid, and to expand his work on the annotations of certain selected cases as reflected in his present list and to continue the computerization of future updated lists. In paragraph 4, the Commission would invite the Secretary-General to give the updated report of the Special Rapporteur the widest distribution and publicity and to issue it as a United Nations publication.

10. Computer services will continue to be provided to the Special Rapporteur from within existing resources. The related costs under section 23 (Human Rights) are estimated at $42,700 for 1985.

	1985 US dollars
One round-trip to New York of the Special Rapporteur to establish direct contacts with the United Nations Centre on Transnational Corporations and the United Nations Centre against Apartheid (5 working days)	
Travel (Cairo/New York/Cairo)	2 700
Subsistence	1 100
One round-trip to Geneva of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days)	
Travel (Cairo/Geneva/Cairo)	1 000
Subsistence	1 100
Printing of the report in Arabic, Chinese, English, French, Russian and Spanish (based on external printing estimates)	36 800[a/]
	42 700

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a/ Global Printing Programme.

1984/7. The administration of justice and the human rights of detainees: Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

11. In paragraph 2 of resolution 1984/7 the Commission on Human Rights would recommend for adoption by the Economic and Social Council, a draft resolution authorizing the Sub-Commission to entrust Mr. Marc Bossuyt with preparing an analysis concerning the proposition to elaborate a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

12. The related costs under section 23 (Human Rights) are estimated at $900 for 1985 and $900 for 1986.

	1985 US dollars	1986 US dollars
One round-trip to Geneva of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days)		
Travel (Edegem/Geneva/Edegem)	300	
Subsistence	600	
One round-trip to Geneva of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days)		
Travel (Edegem/Geneva/Edegem)		300
Subsistence		600
	900	900

1984/8. The administration of justice and the human rights of detainees: Question of human rights of persons subjected to any form of detention or imprisonment

13. In paragraph 2 of resolution 1984/8 the Sub-Commission would request the Special Rapporteur, Mr. L. Joinet, to continue his work on the study with a view to presenting his final report to the Sub-Commission at its thirty-eighth session.

14. The related costs under section 23 (Human Rights) are estimated at $900 for 1985.

	1985 US dollars
One round-trip to Geneva of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days)	
Travel (Paris/Geneva/Paris)	300
Subsistence	600
	900

1984/11. The administration of justice and the human rights of detainees: Study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

15. In paragraph 1 of resolution 1984/11, the Sub-Commission would request the Special Rapporteur, Dr. L.M. Singhvi to submit his final report to the Sub-Commission at its thirty-eighth session.

16. The related costs under section 23 (Human Rights) are estimated at $3,300 for 1985.

	1985 US dollars
One round-trip to Geneva of Special Rapporteur to present his final report to the thirty-eighth session of the Sub-Commission (5 working days)	
Travel (New Delhi/Geneva/New Delhi)	2 700
Subsistence	600
	3 300

1984/15. The new international economic order and the promotion of human rights: The right to adequate food

17. In paragraph 1 of resolution 1984/15 the Commission on Human Rights would recommend for adoption by the Economic and Social Council a draft resolution requesting the Special Rapporteur, Mr. Asbjørn Eide, to continue his work on the study on the Right to Adequate Food as a Human Right with a view to submitting his final report to the Sub-Commission at its thirty-eighth session.

18. The related costs under section 23 (Human Rights) are estimated at $1,300 for 1985.

	1985 US dollars
One round-trip to Geneva of the Special Rapporteur to submit his final report to the Sub-Commission at its thirty-eighth session (5 working days)	
Travel (Oslo/Geneva/Oslo)	700
Subsistence	600
	1 300

1984/17. Human rights and scientific and technological developments: Prevention and Suppression of Unlawful Human Experimentation

19. In paragraph 1 of resolution 1984/17, the Commission on Human Rights would recommend for adoption by the Economic and Social Council a draft resolution authorizing the Sub-Commission to entrust the Special Rapporteur, Mr. Driss Dahak, with the preparation of a study on the current dimensions and problems arising from unlawful human experimentation and would request him to submit a preliminary study to the Sub-Commission at its thirty-eighth session.

20. The related costs under section 23 (Human Rights) are estimated at $16,500 for 1985.

	1985 US dollars
One round-trip of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days)	
Travel (Rabat/Geneva/Rabat)	700
Subsistence	600
Three months of outside expertise at P-3 consultant level	
Three work-months	15 200
	16 500

1984/21. Question of the violation of human rights: The right to leave any country, including one's own, and the right to return to one's own country

21. In paragraph 2 of resolution 1984/21, the Commission on Human Rights would recommend for adoption by the Economic and Social Council a draft resolution authorizing the Special Rapporteur, Mr. Mubanga-Chipoya, to continue his important work in order to present to the Sub-Commission at its thirty-eighth session for its consideration a progress report on the aforesaid matters and at its thirty-ninth session his final report, including recommendations for promoting and encouraging respect for and observance of that right.

22. The related costs under Section 23 (Human Rights) are estimated at $4,100 for 1985 and $4,100 for 1986.

	1985 US dollars	1986 US dollars
One round trip to Geneva of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days)		
Travel	3 500	
Subsistence	600	
One round trip to Geneva of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days)		
Travel		3 500
Subsistence		600
	4 100	4 100

1984/27. The administration of justice and the human rights of detainees

23. In paragraph 1 of resolution 1984/27, the Commission on Human Rights would recommend for adoption by the Economic and Social Council a draft resolution authorizing the Sub-Commission to appoint a special rapporteur to carry out the work referred to in paragraph 1 of Sub-Commission resolution 1983/30 and resolution 1983/18 and decision 1984/104 of the Commission on Human Rights, on an annual basis.

24. The related costs under section 23 (Human Rights) are estimated as follows:

	1985 US dollars
One round-trip to Geneva of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days)	
Travel (Buenos Aires/Geneva/Buenos Aires)	4 200
Subsistence	600
	4 800

1984/28. Slavery and slavery-like practices: Mission to Mauritania

25. In paragraph 5 of resolution 1984/28, the Commission on Human Rights would request the expert of the Sub-Commission to prepare a follow-up report on the basis of the replies received and taking into account the views expressed by the Sub-Commission at its thirty-seventh session and by the Commission at its forty-first session on the matter in particular with respect to assistance which could be provided to Mauritania and to submit an interim report at its thirty-eighth session; and a final report at its thirty-ninth session.

26. The related costs under section 23 (Human Rights) are estimated at $900 for 1985 and $900 for 1986.

	1985 US dollars	1986 US dollars
One round-trip to Geneva of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days)		
Travel (Edegem/Geneva/Edegem)	300	
Subsistence	600	
One round-trip to Geneva of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days)		
Travel (Edegem/Geneva/Edegem)		300
Subsistence		600
	900	900

1984/31. Elimination of all forms of intolerance and of discrimination based on religion or belief

27. In paragraph 1 of resolution 1984/31, the Sub-Commission would request the Special Rapporteur, Mrs. Elizabeth Odio Benito, to continue her work and to submit a progress report to the Sub-Commission at its thirty-eighth session and a final report at its thirty-ninth session.

28. The related costs under section 23 (Human Rights) are estimated at $4,500 for 1985 and $4,500 for 1986.

	1985 US dollars	1986 US dollars
One round-trip to Geneva of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days)		
Travel (San Jose/Geneva/San Jose)	3 900	
Subsistence	600	
One round trip to Geneva of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days)		
Travel (San Jose/Geneva/San Jose)		3 900
Subsistence		600
	4 500	4 500

1984/35. Study of the problem of discrimination against indigenous populations

29. In paragraph 4 of resolution 1984/35, the Sub-Commission would request the Special Rapporteur to present his study to the Commission on Human Rights at its forty-first session.

30. The related costs under section 23 (Human Rights) are estimated at $3,500.

	1985 US dollars
One round trip to Geneva of the Special Rapporteur to present his study to the forty-first session of the Commission on Human Rights (5 working days)	
Travel (Mexico/Geneva/Mexico)	2 900
Subsistence	600
	3 500

1984/37. Review of the work of the Sub-Commission

31. In paragraph 6 (d) of resolution 1984/37, the Sub-Commission would recommend to the Commission on Human Rights that, in order to properly execute its increasing workload services, be authorized for an additional 10 meetings per session of the Sub-Commission in order to enable sessional Working Groups to meet concurrently.

32. The related costs for 10 fully-serviced additional meetings of working groups during the 1985 session under section 29 B (Conference services, Geneva) calculated on a full-cost basis, are estimated at $64,600.

Decision 1984/102. Study of the problem of discrimination against indigenous populations

33. The Sub-Commission decided to authorize Mrs. Erica-Irene A. Daes, Chairman of the Working Group on Indigenous Populations, to attend the Conference of Indigenous Peoples to be held in Panama from 23 to 30 September 1984.

34. The related costs for travel (Athens/Panama/Athens) and subsistence are estimated at $3,200.

ANNEX III

LIST OF STUDIES UNDER PREPARATION IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

Title of study	Entrusted to	Legislative authority	Time-table for completion
Updating of the Study on the Question of the Prevention and Punishment of the Crime of Genocide	Mr. Benjamin Whitaker	Sub-Commission resolution 1984/1	Final report to be submitted to the Sub-Commission at its thirty-eighth session
Study on the status of the individual and contemporary international law	Mrs. Erica Daes	Sub-Commission resolution 1984/2	Final report to be submitted to the Sub-Commission at its thirty-eighth session
Draft body of principles on the right and responsibility of individuals groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms	Mrs. Erica Daes	Sub-Commission resolution 1984/3	Final report to be submitted to the Sub-Commission at its thirty-eighth session
Annual update of the list of banks, transnational corporations and other organizations assisting the colonial and racist regime in South Africa	Mr. Ahmed Khalifa	Sub-Commission resolution 1984/4	Next review to be submitted at the thirty-eighth session of the Sub-Commission
Study on the achievements made and obstacles encountered during the Decade for Action to Combat Racism and Racial Discrimination	Mr. Asbjørn Eide	Sub-Commission resolution 1984/5	Report to be submitted at the thirty-eighth session of the Sub-Commission

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a/ See Commission resolution 1982/23.

Title of study	Entrusted to	Legislative authority	Time-table for completion
The administration of Justice and the human rights of detainees: Elaboration of a second Optional Protocol to the International Covenant on Civil and Political rights aiming at the abolition of the death penalty */	Mr. Marc Bossuyt	Sub-Commission resolution 1984/7	Analysis and recommendations to be submitted at the thirty-ninth session of the Sub-Commission
Study on Amnesty Laws	Mr. Louis Joinet	Sub-Commission resolution 1984/8	Final report to be submitted at the thirty-eighth session of the Sub-Commission
Study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers	Mr. L.M. Singhvi	Sub-Commission resolution 1984/11	Final report to be submitted at the thirty-eighth session of the Sub-Commission
Human rights and scientific and technological developments: Study on guidelines in the field of computerized personnel files	Mr. Louis Joinet	Sub-Commission resolution 1984/12	Final study to be submitted at the thirty-eighth session of the Sub-Commission
Study on the right to food as a human right	Mr. Asbjørn Eide	Sub-Commission resolution 1984/15	Final report to be submitted at the thirty-eighth session of the Sub-Commission

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*/ Subject to approval by the Economic and Social Council.

Title of study	Entrusted to	Legislative authority	Time-table for completion
Study on the current dimensions and problems arising from unlawful human experimentation */	Mr. Driss Dahak	Sub-Commission resolution 1984/17	Preliminary study to be submitted at the thirty-eighth session of the Sub-Commission
Study on human rights and disability	Mr. Leandro Despouy	Sub-Commission resolution 1984/20	Preliminary study to be submitted at the thirty-eighth session of the Sub-Commission
Analysis of the current trends and developments regarding the right to leave any country including one's own and the right to return to one's own country	Mr. C.L.C. Mubanga-Chipoya	Sub-Commission resolution 1984/21	Progress report to be submitted at the thirty-eighth session of the Sub-Commission
Explanatory paper on preparation of annual report on the respect for national and international rules governing the legality of the declaration of states of exception */	Mr. Leandro Despouy	Sub-Commission resolution 1984/27	First explanatory paper to be presented at the thirty-eighth session of the Sub-Commission
Slavery and slavery-like practices (report on Mauritania)	Mr. Marc Bossuyt	Sub-Commission resolution 1984/28	Interim follow-up report to be presented at the thirty-eighth session of the Sub-Commission

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*/ Subject to approval by the Economic and Social Council.

Title of study	Entrusted to	Legislative authority	Time-table for completion
Study on the current dimensions of the problem of intolerance and of discrimination on grounds of religion or belief	Mrs. Elisabeth Odio-Benito	Sub-Commission resolution 1984/31	Progress report to be submitted at the thirty-eighth session of the Sub-Commission
Prevention of discrimination and protection of minorities: tentative definition	Mr. Jules Deschênes	Sub-Commission decision 1984/101	Paper to be submitted at the thirty-eighth session of the Sub-Commission

ANNEX IV

DRAFT FIVE-YEAR PROGRAMME OF WORK (1985-1989) a/

A. Regular items, to be included from 1985 to 1989 in the agenda under existing mandates

1. Review of further developments in fields with which the Sub-Commission has been concerned (Sub-Commission resolution 5 (XIV)).

2. Elimination of racial discrimination including updated annual studies on adverse consequences (Sub-Commission resolution 2 (XXXIII) and 6 (XXXIV)).

3. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories; report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

4. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

5. The administration of justice and the human rights of detained persons including the annual review of developments on the human rights of detained persons (Sub-Commission resolution 7 (XXVII)), and the annual special report of the Sub-Commission to the Commission on the legality of the establishment of states of emergency (Sub-Commission resolution 1983/30).

6. Discrimination against Indigenous Populations (Economic and Social Council resolution 1982/34).

7. Slavery and slavery-like practices (Commission resolution 13 (XXIII)).

8. Encouragement of universal acceptance of human rights instruments (Sub-Commission resolution 1 B (XXXII)).

9. Consideration of the future work of the Sub-Commission, and draft provisional agenda of the subsequent session of the Sub-Commission. (Economic and Social Council resolution 1984/(LVII)).

10. The Sub-Commission might consider the possibility of examining certain items once every two years.

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a/ See chap. XVIII, sect. A, resolution 1984/37, and annexes I and II to the report of the Working Group on the Review of the Work of the Sub-Commission (E/CN.4/Sub.2/1984/3).

B. Non-recurrent projects

Non-recurrent studies mandated by policy-making organs, by chronological order of mandates b/

	Preparation and discussion					Target year for submission of final report
	1985	1986	1987	1988	1989	
Independence and impartiality of the judiciary (Council decision 1980/124)	F					1985
The status of the individual and contemporary international law (Council decision 1981/142)	F					1985
The negative consequences of the arms race for the implementation of human rights (Commission resolution 1982/7)		P	Pr	F		1988
Priority study on the use of scientific and technological progress to ensure the right to work and development (Commission resolutions 1983/42 and 1984/29)		P	Pr	F		1988
Draft Principles on rights/responsibility of individuals and groups (Sub-Commission resolution 1982/24)	Pr	F				1986
Amnesty Laws (Sub-Commission resolution 1983/34)	F					1985
Right to adequate food (Council decision 1983/140)	F					1985
Sexual minorities (Council resolution 1983/30)	P	Pr	F			1987
Sale of children (Council resolution 1983/30)	P	Pr	F			1987
Updating of the study on Prevention and Punishment of the Crime of Genocide (Council resolution 1983/33)	F					1985
The right to leave any country (Council resolution 1984/29)	Pr	F				1986

	Preparation and discussion					Target year for submission of final report
	1985	1986	1987	1988	1989	
Religious intolerance (Council resolution 1984/39)	Pr	F				1986
Traditional practices affecting women and children (Council resolution 1984/34)		P	Pr	F		1987
Achievements made and obstacles encountered during the Decade for Action to Combat Racism (Council resolution 1984/24)	F					1985
Disabled persons (Council resolution 1984/26)	P	Pr	F			1987

P: Preliminary report

Pr: Progress report

F: Final report

b/ The present list does not refer to the new studies proposed by the Sub-Commission during its thirty-seventh session.

ANNEX V

LIST OF DOCUMENTS ISSUED FOR THE THIRTY-SEVENTH SESSION OF THE SUB-COMMISSION

Documents issued in the general series		Agenda item
E/CN.4/Sub.2/1984/1	Provisional agenda	2
E/CN.4/Sub.2/1984/1/Add.1	Annotations to the provisional agenda	2
E/CN.4/Sub.2/1984/1/Add.1/Corr.1	Annotations to the provisional agenda	2
E/CN.4/Sub.2/1984/1/Add.2	Annotations to the provisional agenda	2
E/CN.4/Sub.2/1984/2	Note by the Secretary-General	3
E/CN.4/Sub.2/1984/2/Add.1	Note by the Secretary-General	3
E/CN.4/Sub.2/1984/3	Report of the Working Group on the Review of the Work of the Sub-Commission	3
E/CN.4/Sub.2/1984/4	Note by the Secretary-General	4
E/CN.4/Sub.2/1984/5 and Add.1-4	Report of the Secretary-General	4
E/CN.4/Sub.2/1984/6 and Add.1	Memorandum submitted by the International Labour Office	4
E/CN.4/Sub.2/1984/7	Report of UNESCO to the thirty-seventh session of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities (6 August - 31 August 1984)	4
E/CN.4/Sub.2/1984/8 and Add.1-2	Updated report prepared by Mr. Ahmad M. Khalifa, Special Rapporteur	5(b)
E/CN.4/Sub.2/1984/9 and Add.1	Report of the Secretary-General	6
E/CN.4/Sub.2/1984/10	Analysis of the current trends and developments regarding the right to leave any country including one's own, and the right to return to one's own country, and some other rights or considerations arising therefrom - Preliminary report by Mr. Mubanga-Chipoya	6
E/CN.4/Sub.2/1984/11	Report of the Secretary-General prepared in accordance with Sub-Commission resolution 1983/32	6(b)
E/CN.4/Sub.2/1984/12 and Add.1-4	Report of the Secretary-General	8(a)

		Agenda item
E/CN.4/Sub.2/1984/13	Synopsis of material received from non-governmental organizations in consultative status with the Economic and Social Council prepared by the Secretariat	8(a)
E/CN.4/Sub.2/1984/14	Report on restraints in the use of force prepared by the Secretary-General in accordance with Sub-Commission resolution 1983/24	8
E/CN.4/Sub.2/1984/15	Study on amnesty laws and their role in the safeguard and promotion of human rights - Preliminary report by Mr. Louis Joinet, Special Rapporteur	8(a)
E/CN.4/Sub.2/1984/16	Report of the Working Group	8
E/CN.4/Sub.2/1984/17	Guide by the Secretary-General to conventions, resolutions and reports of the United Nations concerning the death penalty	8
E/CN.4/Sub.2/1984/18	Document not issued	
E/CN.4/Sub.2/1984/19	Report of the sessional Working Group on the question of persons detained on the grounds of mental ill-health or suffering from mental disorder	9
E/CN.4/Sub.2/1984/20	Report of the Working Group on indigenous populations on its third session	10
E/CN.4/Sub.2/1984/21	Report of the Secretary-General prepared in accordance with Sub-Commission resolution 1983/38	11
E/CN.4/Sub.2/1984/22 and Add.1-2	Progress report by Mr. Asbjørn Eide, Special Rapporteur	11
E/CN.4/Sub.2/1984/23	Report of the mission to Mauritania - Prepared by Mr. Marc Bossuyt, expert of the Sub-Commission	12(a)
E/CN.4/Sub.2/1984/24	Report of the Secretary-General pursuant to Commission on Human Rights resolution 1984/40	12
E/CN.4/Sub.2/1984/25	Report of the Working Group on Slavery on its tenth session	12
E/CN.4/Sub.2/1984/26	Report of the sessional Working Group on the encouragement of universal acceptance of human rights instruments	13
E/CN.4/Sub.2/1984/27	Note by the Secretary-General	13

		Agenda item
E/CN.4/Sub.2/1984/28	Preliminary report by Mrs. Odio Benito, Special Rapporteur	14
E/CN.4/Sub.2/1984/29	Progress report by Mrs. Erica-Irene A. Daes, Special Rapporteur	15(a)
E/CN.4/Sub.2/1984/30	Preliminary report by Mrs. Erica-Irene A. Daes	15(b)
E/CN.4/Sub.2/1984/31	Note by the Secretary-General	15(c)
E/CN.4/Sub.2/1984/32	Discussion paper prepared by Mr. I. Tošević in accordance with Sub-Commission decision 1983/9	16
E/CN.4/Sub.2/1984/33	Document not issued	
E/CN.4/Sub.2/1984/34	" " "	
E/CN.4/Sub.2/1984/35	Note by the Secretary-General	6
E/CN.4/Sub.2/1984/36	Note by the Secretary-General	6
E/CN.4/Sub.2/1984/37	Document not issued	
E/CN.4/Sub.2/1984/38	" " "	
E/CN.4/Sub.2/1984/39	Note by the Secretary-General	13
E/CN.4/Sub.2/1984/40	Preliminary revised and updated report on the question of the prevention and punishment of the crime of genocide prepared by Mr. Whitaker	4
E/CN.4/Sub.2/1984/41	Letter dated 5 July 1984 from the Permanent Representative of the Socialist Republic of Viet Nam to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights	6
E/CN.4/Sub.2/1984/42	Letter dated 6 August 1984 from the Permanent Representative of Democratic Kampuchea to the United Nations Office at Geneva, addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities	6
E/CN.4/Sub.2/1983/21/ Add.6-8	Final report (last part) submitted by the Special Rapporteur, Mr. José R. Martinez Cobo	10

Documents issued in the limited series		Agenda item
E/CN.4/Sub.2/1984/L.1	Mr. Bhandare, Mr. Bossuyt, Mr. Cepeda Ulloa, Mrs. Daes, Mr. Deschênes, Mr. Despouy, Mr. George, Mrs. Gu Yijie, Mr. Joinet, Mr. Khalifa, Mr. Martínez Báez, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Takemoto, Mr. Valdez Baquero, Mr. Yimer: draft resolution	4
E/CN.4/Sub.2/1984/L.2	Mr. Bhandare, Mr. Bossuyt, Mr. Chowdhury, Mr. Martínez Báez, Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Whitaker, Mr. Yimer: draft resolution	15(a)
E/CN.4/Sub.2/1984/L.3	Mr. Al Khasawneh, Mr. Bhandare, Mr. Dahak, Mr. Deschênes, Mr. Joinet, Mr. Roche: draft resolution	15(b)
E/CN.4/Sub.2/1984/L.4	Mr. Al Khasawneh, Mr. Alfonso Martínez, Mr. Bhandare, Mr. Chowdhury, Mr. Dahak, Mr. George, Mr. Joinet, Mr. Martínez Báez, Mr. Mubanga-Chipoya, Mr. Simpson: draft resolution	5(b)
E/CN.4/Sub.2/1984/L.5	Mr. Roche, Mr. Whitaker: draft decision	5(b)
E/CN.4/Sub.2/1984/L.6	Mr. Al Khasawneh, Mr. Whitaker: draft resolution	6
E/CN.4/Sub.2/1984/L.7	Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Yimer: draft resolution	5(a)
E/CN.4/Sub.2/1984/L.8	Mr. Bhandare, Mrs. Daes, Mr. Deschênes, Mr. Joinet, Mr. Khalifa, Mr. Martínex Báez, Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Roche, Mr. Simpson, Mr. Cepeda Ulloa, Mr. Valdez Baquero, Mr. Whitaker, Mr. Yimer: draft resolution	8
E/CN.4/Sub.2/1984/L.9	Mr. Bossuyt, Mr. Carey, Mr. Chowdhury, Mrs. Daes, Mr. Dahak, Mr. Deschênes, Mr. Khalifa, Mr. Mazilu, Mr. Simpson: draft resolution	8(a)
E/CN.4/Sub.2/1984/L.10	Mr. Al Khasawneh, Mr. Alfonso Martínez, Mr. Bhandare, Mr. Bossuyt, Mr. Chowdhury, Mrs. Daes, Mr. Dahak, Mr. Deschênes, Mr. George, Mr. Despouy, Mrs. Gu Yijie, Mr. Joinet, Mr. Khalifa, Mr. Martínez Báez, Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Roche, Mr. Simpson, Mr. Sofinsky, Mr. Takemoto, Mr. Uribe Portocarrero, Mr. Valdez Baquero, Mr. Whitaker, Mr. Yimer: draft resolution	8
E/CN.4/Sub.2/1984/L.11	Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Dahak, Mr. Deschênes, Mr. Despouy, Mr. Joinet, Mr. Mazilu, Mr. Roche, Mr Takemoto, Mr. Whitaker: draft resolution	8

		Agenda item
E/CN.4/Sub.2/1984/L.12	Mr. Roche, Mr. Whitaker: draft resolution	8
E/CN.4/Sub.2/1984/L.13	Mr. Deschênes, Mr. Roche: draft decision	8
E/CN.4/Sub.2/1984/L.14	Mr. Bossuyt, Mr. Dahak, Mr. Deschênes, Mr. Despouy, Mr. Roche, Mr. Takemoto, Mr. Whitaker: draft resolution	8
E/CN.4/Sub.2/1984/L.15	Mr. Bossuyt, Mrs. Daes, Mr. Dahak, Mr. Deschênes, Mr. Dove-Edwin, Mrs. Gu Yijie, Mr. Joinet, Mr. Mubanga-Chipoya, Mr. Whitaker: draft resolution	8(c)
E/CN.4/Sub.2/1984/L.16	Mr. Al Khasawneh, Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Carey, Mr. Chowdhury, Mrs. Daes, Mr. Dahak, Mr. Deschênes, Mr. Martínez Báez, Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Takemoto, Mr. Valdez Baquero, Mr. Whitaker, Mr. Yimer: draft resolution	9
E/CN.4/Sub.2/1984/L.17	Mr. Alfonso Martínez, Mr. Al Khasawneh, Mr. Bossuyt, Mr. Despouy, Mr. Joinet, Mr. Martínez Báez, Mr. Roche, Mr. Simpson, Mr. Uribe Portocarrero, Mr. Whitaker: draft resolution	8
E/CN.4/Sub.2/1984/L.18	Mr. Bossuyt, Mrs. Daes, Mr. Deschênes, Mr. George, Mr. Martínez Báez, Mr. Mubanga-Chipoya, Mr. Roche, Mr. Simpson, Mr. Uribe Portocarrero, Mr. Valdez Baquero, Mr. Whitaker: draft resolution	6
E/CN.4/Sub.2/1984/L.19	Mr. Al Khasawneh, Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Chowdhury, Mrs. Daes, Mr. Dahak, Mr. Deschênes, Mr. George, Mr. Despouy, Mr. Joinet, Mr. Martínez Báez, Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Roche, Mr. Simpson, Mr. Sofinsky, Mr. Takemoto, Mr. Valdez Baquero, Mr. Whitaker, Mr. Yimer: draft resolution	11
E/CN.4/Sub.2/1984/L.20	Mr. Al Khasawneh, Mr. Chowdhury, Mr. Dahak, Mr. Despouy, Mr. Martínez Báez, Mr. Mazilu, Mr. Roche, Mr. Simpson, Mr. Takemoto, Mr. Valdez Baquero, Mr. Whitaker, Mr. Yimer: draft resolution	8(a)
E/CN.4/Sub.2/1984/L.21	Mr. Bossuyt, Mr. Deschênes, Mr. George, Mr. Khalifa, Mr. Martínez Báez, Mr. Mazilu, Mr. Roche, Mr. Simpson, Mr. Takemoto: draft resolution	9

		Agenda item
E/CN.4/Sub.2/1984/L.22	Mr. Bossuyt, Mrs. Daes, Mr. Dahak, Mr. Deschênes, Mr. Dove-Edwin, Mrs. Gu Yijie, Mr. Khalifa, Mr. Martínez Báez, Mr. Mazilu, Mr. Whitaker: draft resolution	9
E/CN.4/Sub.2/1984/L.23	Mr. Bossuyt, Mr. Chowdhury, Mr. Dahak, Mr. Deschênes: draft resolution	11
E/CN.4/Sub.2/1984/L.24	Mr. Whitaker: draft resolution	6
E/CN.4/Sub.2/1984/L.25	Mr. Alfonso Martínez, Mr. Bhandare, Mr. Bossuyt, Mr. Chowdhury, Mrs. Daes, Mr. Martínez Báez, Mr. Mazilu, Mr. Roche, Mr. Simpson: draft resolution	6
E/CN.4/Sub.2/1984/L.26	Mr. Bossuyt, Mr. Deschênes, Mr. George, Mr. Martínez Báez, Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Roche, Mr. Simpson, Mr. Whitaker, Mr. Yimer: draft resolution	6
E/CN.4/Sub.2/1984/L.27	Mr. Alfonso Martínez, Mr. Joinet, Mr. Martínez Báez, Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Roche, Mr. Simpson, Mr. Sofinsky, Mr. Takemoto: draft resolution	6
E/CN.4/Sub.2/1984/L.28	Mr. Sofinsky: draft decision	10
E/CN.4/Sub.2/1984/L.29	Mr. Sofinsky: draft resolution	6(b)
E/CN.4/Sub.2/1984/L.30	Mr. Despouy, Mrs. Gu Yijie, Mr. Joinet, Mr. Khalifa, Mr. Martínez Báez, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Uribe Portocarrero, Mr. Whitaker, Mr. Yimer: draft resolution	6
E/CN.4/Sub.2/1984/L.31	Mr. Sofinsky: draft resolution	6
E/CN.4/Sub.2/1984/L.32	Mr. Sofinsky: draft resolution	10
E/CN.4/Sub.2/1984/L.33	Mrs. Daes, Mr. Deschênes, Mr. Joinet, Mr. Mubanga-Chipoya, Mr. Roche, Mr. Simpson, Mr. Valdez Baquero, Mr. Whitaker: draft resolution	6
E/CN.4/Sub.2/1984/L.34	Mr. Al Khasawneh, Mr. Alfonso Martínez, Mr. Bhandare, Mr. Bossuyt, Mr. Chowdhury, Mr. Dahak, Mr. Despouy, Mr. George, Mr. Joinet, Mr. Martínez Báez, Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Roche, Mr. Simpson, Mr. Takemoto, Mr. Uribe Portocarrero, Mr. Valdez Baquero, Mr. Whitaker, Mr. Yimer: draft resolution	8

		Agenda item
E/CN.4/Sub.2/1984/L.35	Mr. Al Khasawneh, Mr. Chowdhury, Mr. Dahak, Mr. George, Mr. Joinet, Mr. Khalifa, Mr. Martínez Báez, Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Roche, Mr. Simpson, Mr. Takemoto, Mr. Uribe Portocarrero, Mr. Valdez Baquero, Mr. Whitaker, Mr. Yimer: draft resolution	12
E/CN.4/Sub.2/1984/L.36	Mr. Alfonso Martínez, Mr. Bhandare, Mr. Chowdhury, Mr. Despouy, Mr. Joinet, Mr. Martínez Báez, Mr. Mazilu, Mr. Simpson, Mr. Sofinsky, Mr. Valdez Baquero, Mr. Yimer: draft resolution	6(b)
E/CN.4/Sub.2/1984/L.37	Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Joinet, Mr. Martínez Báez, Mr. Mubanga-Chipoya, Mr. Yimer: draft resolution	6
E/CN.4/Sub.2/1984/L.38	Mr. Bossuyt, Mr. Despouy, Mr. Joinet, Mr. Roche, Mr. Uribe Portocarrero, Mr. Valdez Baquero: draft resolution	6
E/CN.4/Sub.2/1984/L.39	Mr. Al Khasawneh, Mr. Whitaker: draft resolution	12
E/CN.4/Sub.2/1984/L.40	Mr. Alfonso Martínez, Mr. George, Mr. Despouy, Mr. Joinet, Mr. Khalifa, Mr. Martínez Báez, Mr. Mazilu, Mr. Mubanga-Chipoya, Mr. Simpson, Mr. Yimer: draft resolution	6
E/CN.4/Sub.2/1984/L.41	Mr. Alfonso Martínez, Mrs. Daes: draft resolution	10
E/CN;4/Sub.2/1984/L.42	Mr. Roche: draft resolution	14
E/CN.4/Sub.2/1984/L.43	Mr. Roche: draft resolution	14
E/CN.4/Sub.2/1984/L.44	Mr. Bossuyt: draft resolution	13
E/CN.4/Sub.2/1984/L.45	Mr. Sofinsky: draft resolution	10
E/CN.4/Sub.2/1984/L.46	Mrs. Daes: draft resolution	6(b)
E/CN.4/Sub.2/1984/L.47	Mr. Bossuyt, Mr. Whitaker: draft resolution	3
E/CN.4/Sub.2/1984/L.48	Draft provisional agenda for the thirty-eighth session of the Sub-Commission - Note by the Secretary-General	16

Documents submitted by non-governmental organizations		Agenda item
E/CN.4/Sub.2/1984/NGO/1	Written statement submitted by Amnesty International	8(a)
E/CN.4/Sub.2/1984/NGO/2	Written statement submitted by the International League for the Rights and Liberation of Peoples	6(b)
E/CN.4/Sub.2/1984/NGO/3	Written statement submitted by the Four Directions Council	10
E/CN.4/Sub.2/1984/NGO/4	Written statement submitted by the Baha'i International Community	9
E/CN.4/Sub.2/1984/NGO/5	Written statement submitted by the Procedural Aspects of International Law Institute	6
E/CN.4/Sub.2/1984/NGO/6	Written statement submitted by the Women's International League for Peace and Freedom	6(b)
E/CN.4/Sub.2/1984/NGO/7	Written statement submitted by the Baha'i International Community	14
E/CN.4/Sub.2/1984/NGO/8	Written statement submitted by the Baha'i International Community	10
E/CN.4/Sub.2/1984/NGO/9	Written statement submitted by the Baha'i International Community	4